

EXHIBIT 27

Nicholas Johnson

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ELLEN GERHART, et al.	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 17-cv-1726-YK
v.	:	
	:	
ENERGY TRANSFER	:	
PARTNERS, LP, et al.	:	
Defendants.	:	

January 24, 2022

Oral deposition of NICHOLAS JOHNSON,
taken on behalf of the Plaintiff, via
videoconference, on the above date, commencing
at 10:03 a.m., before Linda A. Ricciardi,
Certified Court Reporter.

KAPLAN LEAMAN & WOLFE
COURT REPORTERS

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<p>1 REMOTE APPEARANCES: 2 WILLIAMS CEDAR, LLC 3 BY: CHRISTOPHER MARKOS, ESQUIRE 4 1515 Market Street, Suite 1300 5 Philadelphia, Pennsylvania 19103 6 215-557-0099 7 cmarkos@williamscedar.com 8 9 Counsel for Plaintiff 10 11 RAIDERS LAW, PC 12 BY: RICH RAIDERS, ESQUIRE 13 606 N. 5th Street 14 Reading, Pennsylvania 19601 15 484-509-2715 16 rich@raiderslaw.com 17 Counsel for Plaintiff 18 McNEES WALLACE & NURICK, LLC 19 BY: KANDICE HULL, ESQUIRE 20 100 Pine Street 21 Harrisburg, Pennsylvania 17101 22 717-233-8000 23 khull@mcneeslaw.com 24 25 Counsel for Defendant 26 Energy Transfer Partners, LP 27 GOVERNOR'S OFFICE OF GENERAL COUNSEL 28 BY: JESSICA DAVIS, ESQUIRE 29 333 Market Street, 17th Floor 30 Harrisburg, Pennsylvania 17101 31 717-783-6563 32 jessicdavi@pa.gov 33 34 Counsel for Defendants 35 Michael Ehgartner and Joseph Dunsmore</p>	<p>1 LAVERY LAW 2 BY: FRANK LAVERY, ESQUIRE 3 225 Market Street 4 Harrisburg, Pennsylvania 17108 5 717-233-6633 6 flavery@laverylaw.com 7 8 Counsel for Defendant 9 TigerSwan 10 SIANA LAW 11 BY: CHRISTOPHER GERBER, ESQUIRE 12 Ludwigs Corner Professional Center 13 941 Pottstown Pike, Suite 200 14 Chester Springs, Pennsylvania 19425 15 610-321-5500 16 cgerber@sianalaw.com 17 Counsel for Defendant 18 Nick Johnson 19 20 ALSO PRESENT: 21 22 ELISE GERHART 23 24</p>
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<p>1 I N D E X 2 3 WITNESS PAGE 4 NICHOLAS JOHNSON 5 By Mr. Markos 5 6 By Mr. Lavery 110 7 8 EXHIBIT NO. DESCRIPTION MARKED 9 1 Photograph 8 10 2 Packet of documents 19 11 3 Article 26 12 4 Facebook page 36 13 5 Article 42 14 6 PA Progress posts 65 15 7 Article 66 16 8 Proof of service 87 17 9 Camp White Pine cheat sheet 89 18 19 20 21 22 23 24</p>	<p>1 (It is stipulated and agreed by 2 and between counsel for the respective parties 3 that the sealing, certification and filing of 4 the within deposition be waived; and that all 5 objections, except as to the form of the 6 question, be reserved until the time of trial.) 7 ---- 8 NICHOLAS JOHNSON, after having been 9 first duly sworn, was examined and testified as 10 follows: 11 ---- 12 EXAMINATION 13 ---- 14 BY MR. MARKOS: 15 Q. Mr. Johnson, thank you for being here 16 today. As you know, we are here to take your 17 deposition in a case in which you have been 18 sued by my clients, Elise and Ellen Gerhart. 19 Just some ground rules. I know that 20 you were present for most of the other 21 depositions, this may sound redundant. Imagine 22 as if we were speaking in person today, there 23 is a court reporter here, she is taking a 24 written transcript of our conversation,</p>

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<p>1 everything you say and everything I say, any 2 objection another lawyer makes. 3 As such, it is important that I let you 4 finish your responses to my questions and you 5 likewise allow me to ask the entire question I 6 am going to ask. It is normal in a 7 conversation to anticipate where somebody is 8 going and jump in, but today it is important 9 that we let each other finish what we have to 10 say. 11 Likewise, even though we can all see 12 each other, the court reporter can see you, she 13 can't take down a nod of the head or a gesture 14 or an uh-huh or uh-uh, so it is important that 15 you verbalize all the responses that you have 16 to what I ask you. 17 Today it is not a memory test, if you 18 don't know the answer to a question I have 19 asked tell me you don't understand the 20 question, tell me you don't know the answer, it 21 is fine, I can accommodate you by rephrasing 22 it, and I can move on if you don't know what I 23 am asking you about. 24 If you need to take a break at any time</p>	<p>1 that is no problem unless if I have asked you a 2 question, there is a question pending you need 3 to finish your answer and then we can take a 4 break. I don't think we will go all day, but 5 at certain points I am sure everybody will want 6 to take a break or two. 7 The last thing is you raised your hand 8 and swore an oath just as if you are testifying 9 in court today. This is a deposition in a 10 lawsuit that could be used in court, I just 11 want to make sure you are aware of that. Does 12 everything I said to you make sense, do you 13 have any questions about those instructions? 14 A. No questions. 15 Q. Thank you. Have you ever been deposed 16 before? 17 A. No. 18 Q. Have you ever been sued before? 19 A. No. 20 Q. Have you ever been in a lawsuit before 21 as a plaintiff? 22 A. No. 23 Q. Bear with me again. Today I am 24 probably going to end up jumping around a</p>
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<p>1 little bit just because I have a bunch of 2 different areas and things may come to me, you 3 know, as we discuss, but I have one thing to 4 ask. 5 We can mark this as Exhibit 1. 6 (Whereupon photograph was marked 7 for identification as Exhibit 1.) 8 BY MR. MARKOS: 9 Q. Do you know what this is a picture of? 10 A. Yes. 11 Q. Who is that? 12 A. That is Robert Rice. 13 Q. Do you know who Robert Rice is? 14 A. Yes. 15 Q. You know Robert Rice personally, right? 16 A. Yes. 17 Q. How do you know Robert? 18 A. I met Robert while living in North 19 Carolina. 20 Q. As a plaintiff, as a friend, as a 21 business associate, what context? 22 A. I met Robert through a friend. 23 Q. You have worked with Robert before, 24 right?</p>	<p>1 A. Before? 2 Q. Today. 3 A. Before today I have worked with Robert, 4 yes. 5 Q. What kind of work did you do with 6 Robert? 7 A. With Robert I worked on a project that 8 I was a consultant for a social media project. 9 Q. Okay. Is that that project that is at 10 the, you know, core of the claims against you 11 in this case? 12 A. Yes. 13 Q. Okay. It includes things that have 14 nothing to do with the Gerharts as well, 15 correct? 16 A. I am not at liberty to speak of that. 17 Q. Okay. Do you know, it says Defend Iowa 18 Day 14 Update. Do you know what Defend Iowa 19 is? 20 A. Yes. 21 Q. How do you know what Defend Iowa is? 22 A. Defend Iowa is a Facebook page that 23 existed on the Internet. 24 Q. Okay. How did you become aware of</p>

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<p>1 that?</p> <p>2 A. Robert and I worked on a project that</p> <p>3 managed that Facebook page.</p> <p>4 Q. Okay. The project you mentioned</p> <p>5 working on with Robert, was there anybody else</p> <p>6 you were working with, doing the kind of work</p> <p>7 you were doing? I know you were working on a</p> <p>8 project for people, but I am talking about the</p> <p>9 project itself, you and Robert and anybody</p> <p>10 else?</p> <p>11 A. That was two different questions. Can</p> <p>12 you repeat it again?</p> <p>13 Q. Sure. I am not talking about who you</p> <p>14 were working for, who you were working with on</p> <p>15 the project besides Robert, was there anybody</p> <p>16 else?</p> <p>17 A. I am trying to recall. And there is</p> <p>18 going to be a lot of me trying to recall</p> <p>19 because this was six or seven years ago so you</p> <p>20 will have to be patient.</p> <p>21 Q. That is fair.</p> <p>22 A. Yeah, I don't remember.</p> <p>23 Q. Okay. The friend who introduced you to</p> <p>24 Robert was that Kurt Merriweather?</p>	<p>1 A. Yes.</p> <p>2 Q. How did you know Kurt Merriweather?</p> <p>3 A. I met Kurt while living in North</p> <p>4 Carolina.</p> <p>5 Q. Professionally or, you know, through a</p> <p>6 friendship?</p> <p>7 A. I don't remember.</p> <p>8 Q. Did you have any professional</p> <p>9 relationship with him?</p> <p>10 A. With who?</p> <p>11 Q. Kurt Merriweather.</p> <p>12 A. Yes.</p> <p>13 Q. Can you recall when you met him?</p> <p>14 A. It would have been -- I can't guess to</p> <p>15 the date or year. I would say 2016.</p> <p>16 Q. Okay. I understand that you are</p> <p>17 ballparking.</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. One thing I should have said</p> <p>20 before is that if you need to approximate a</p> <p>21 date or something make sure that is clear</p> <p>22 otherwise we will assume you are being precise.</p> <p>23 You provided in discovery it is called</p> <p>24 checks, I don't know if they are paycheck</p>
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<p>1 checks or what written out to you by Cedar Fork</p> <p>2 Partners I think it is. Cedar Fork Partners is</p> <p>3 an entity run by Kurt Merriweather, right?</p> <p>4 A. I believe so.</p> <p>5 Q. And Cedar Fork Partners paid you</p> <p>6 whatever is reflected in those? I can show</p> <p>7 them to you, maybe that is easier.</p> <p>8 MR. LAVERY: Yeah, I was going to</p> <p>9 say, I object to the form of the question</p> <p>10 specifically when you called them paychecks.</p> <p>11 I think you should show them and ask</p> <p>12 him what they are and how they were paid and</p> <p>13 who paid them and set a foundation for all</p> <p>14 this.</p> <p>15 Q. I am not asking you anything, I am just</p> <p>16 going to find something. Can you see the</p> <p>17 screen?</p> <p>18 A. I can.</p> <p>19 Q. It says defendant Nicholas Johnson's</p> <p>20 objections and responses to plaintiff's request</p> <p>21 for production of documents. Do you see that?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you see request number 2 in your</p> <p>24 response?</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. The response references NJ 6 and</p> <p>3 7, where my cursor is. You are nodding your</p> <p>4 head, you have to say yes or no.</p> <p>5 A. You didn't really ask me with a</p> <p>6 question, you were just talking.</p> <p>7 Q. You see that the response references</p> <p>8 document Bates stamp NJ 6 to 7?</p> <p>9 A. I do see that, yes.</p> <p>10 Q. Okay. This is the best I can do, I am</p> <p>11 sorry, but this is NJ 6, I am scrolling up. Do</p> <p>12 you see where my cursor is?</p> <p>13 A. I can.</p> <p>14 Q. Can you read what is kind of</p> <p>15 highlighted there?</p> <p>16 A. I can.</p> <p>17 Q. You can?</p> <p>18 A. Yes.</p> <p>19 Q. Can you read it to me?</p> <p>20 A. Cedar Fork Partners LLC.</p> <p>21 Q. You don't need to read the address.</p> <p>22 A. Okay.</p> <p>23 Q. This is your name here where my cursor</p> <p>24 is, Nick Johnson?</p>

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<p>1 A. Yes.</p> <p>2 Q. And can you see the amount?</p> <p>3 A. Yes.</p> <p>4 Q. 12,586?</p> <p>5 A. Yes.</p> <p>6 Q. Your response said that this payment</p> <p>7 was made in connection for work you did</p> <p>8 relating to the Gerharts, correct?</p> <p>9 A. Yes.</p> <p>10 Q. This is Nick Johnson 7, you see it is</p> <p>11 the same payor?</p> <p>12 A. Yes.</p> <p>13 Q. Same payee?</p> <p>14 A. Yes.</p> <p>15 Q. And the amount is \$12,750?</p> <p>16 A. Yes.</p> <p>17 Q. Those two checks according to your</p> <p>18 response to your request for production of</p> <p>19 documents reflected payments made to you for</p> <p>20 any Internet content concerning the Gerharts,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. So first, those payments do they</p> <p>24 include work that you, as far as you know, do</p>	<p>1 they include work that you did for the Gerharts</p> <p>2 in other work or is it exclusively work</p> <p>3 relating to the Gerharts?</p> <p>4 A. I don't remember.</p> <p>5 Q. So you were paid this money by Cedar</p> <p>6 Fork Partners to produce Internet content</p> <p>7 concerning the Gerharts, is that a fair</p> <p>8 statement?</p> <p>9 A. Yes.</p> <p>10 Q. There may be other things that you were</p> <p>11 tasked to do, but. What was your directive, if</p> <p>12 any, from Cedar Fork Partners about the content</p> <p>13 you were to create before you made anything?</p> <p>14 A. Before I made anything?</p> <p>15 Q. Correct, what was the directive, if</p> <p>16 any, given to you about the content?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay. Do you remember any</p> <p>19 conversations with Kurt Merriweather, anybody</p> <p>20 else at Cedar Fork Partners about what you were</p> <p>21 hired to do?</p> <p>22 A. Briefly.</p> <p>23 Q. Can you relate that to us?</p> <p>24 A. Typically there would be a conversation</p>
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<p>1 about an update about what we were doing. That</p> <p>2 was pretty much it.</p> <p>3 Q. Okay. Cedar Fork Partners or Kurt came</p> <p>4 to you with a project proposal, is that a fair</p> <p>5 statement?</p> <p>6 A. No.</p> <p>7 Q. Okay. How did you end up being paid by</p> <p>8 Cedar Fork Partners?</p> <p>9 A. Cedar Fork had an arrangement that I</p> <p>10 would create a Facebook page, the one that we</p> <p>11 are talking about right now.</p> <p>12 Q. PA Progress?</p> <p>13 A. Yes, sir.</p> <p>14 Q. The prearrangement existed bringing you</p> <p>15 on?</p> <p>16 A. The prearrangement existed bringing me</p> <p>17 on, I don't understand the question.</p> <p>18 Q. I was trying to understand your answer.</p> <p>19 A. Okay.</p> <p>20 Q. Okay. You were brought on by Cedar</p> <p>21 Fork Partners to create PA Progress, is that</p> <p>22 what I understand?</p> <p>23 A. That is not what happened.</p> <p>24 Q. So tell me what happened?</p>	<p>1 A. Cedar Fork paid me to create the PA</p> <p>2 Progress page.</p> <p>3 Q. Okay. Were you given any direction or</p> <p>4 directive about what PA Progress should -- what</p> <p>5 kind of information there should be on that</p> <p>6 website or Facebook page?</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. Why did PA Progress include</p> <p>9 information about the Gerhart family and Camp</p> <p>10 White Pine?</p> <p>11 A. Because the -- at the time there was a</p> <p>12 protest happening on the Gerhart property, and</p> <p>13 the goal was to basically just repeat the same</p> <p>14 things that the family was saying on their</p> <p>15 social media and what their friends, friends of</p> <p>16 the family were saying on social media, and</p> <p>17 just publicize it on a page to just repeat the</p> <p>18 same things that they were saying themselves.</p> <p>19 Q. Okay. Whose goal was that?</p> <p>20 A. That was -- that is kind of a vague</p> <p>21 question, sorry.</p> <p>22 Q. You said that was the goal of the</p> <p>23 information you were posting, whose goal?</p> <p>24 A. The goal of the page was -- that was</p>

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<p>1 the point of the page.</p> <p>2 Q. Okay. Did you make that decision</p> <p>3 yourself that the PA Progress should repeat</p> <p>4 back to the public what was coming out of Camp</p> <p>5 White Pine or the Gerharts, what they say in</p> <p>6 public or online?</p> <p>7 A. I don't remember.</p> <p>8 Q. At the time you were working on PA</p> <p>9 Progress where were you living?</p> <p>10 A. I was living in North Carolina.</p> <p>11 Q. In 2017, right?</p> <p>12 A. Yes.</p> <p>13 Q. In 2017 had you ever traveled to</p> <p>14 Pennsylvania?</p> <p>15 A. No.</p> <p>16 Q. Okay. Did Kurt Merriweather or anyone</p> <p>17 at Cedar Fork Partners tell you what they hoped</p> <p>18 to accomplish with PA Progress or what they had</p> <p>19 hoped you would accomplish?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. This is the same PDF, just for</p> <p>22 purposes of the record we will mark this as</p> <p>23 Exhibit 2, it is a 19 page PDF, which includes</p> <p>24 the answers to interrogatories, responses to</p>	<p>1 request for production of documents and several</p> <p>2 documents.</p> <p>3 (Whereupon packet of documents was</p> <p>4 marked for identification as Exhibit 2.)</p> <p>5 BY MR. MARKOS:</p> <p>6 Q. Do you see defendant Nicholas Johnson's</p> <p>7 objections and responses to plaintiff's first</p> <p>8 set of interrogatories?</p> <p>9 A. Yes.</p> <p>10 Q. I am going to go down a couple of</p> <p>11 pages. Do you see number 9?</p> <p>12 A. Yes.</p> <p>13 Q. Number 9 asks for the aliases used by</p> <p>14 you since January 1, 2015. And your response</p> <p>15 is Nate Clay, Nate Johnson, Niko Johnson and</p> <p>16 Niko Badger. Do you see that response?</p> <p>17 A. Yes.</p> <p>18 Q. Have you ever used the alias Felix</p> <p>19 Moniker, F-E-L-I-X, Moniker M-O-N-I-K-E-R?</p> <p>20 A. The answer is no.</p> <p>21 Q. Do you know who Felix Moniker, the</p> <p>22 Facebook entity, was?</p> <p>23 A. I do not.</p> <p>24 Q. Okay. You also worked on a website</p>
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<p>1 called Black Badger Report; isn't that right?</p> <p>2 A. No.</p> <p>3 Q. Do you see question number 4, where my</p> <p>4 cursor is?</p> <p>5 A. Yes.</p> <p>6 Q. It says, list all authors for contents</p> <p>7 for blackbadgerreport.com in the PA Progress</p> <p>8 Facebook page?</p> <p>9 A. Yeah.</p> <p>10 Q. Do you see the response is answering</p> <p>11 defendant Robert Rice. Do you understand that</p> <p>12 answering defendant refers to you?</p> <p>13 A. Yes, sir. At the time I didn't</p> <p>14 understand the question.</p> <p>15 Q. Sorry, you don't understand this</p> <p>16 question that we are looking at on the screen</p> <p>17 or the question I just asked you?</p> <p>18 A. The one on the screen.</p> <p>19 Q. Okay. So your testimony today is that</p> <p>20 the answer on the screen to interrogatory</p> <p>21 number 4 is not true?</p> <p>22 A. That is not -- I was not an author of</p> <p>23 the Black Badger Report.</p> <p>24 Q. Was Robert Rice?</p>	<p>1 A. I don't know.</p> <p>2 Q. Do you know who did author content on</p> <p>3 blackbadgerreport.com?</p> <p>4 A. I don't.</p> <p>5 Q. Have you seen the website</p> <p>6 blackbadgerreport.com at any point before</p> <p>7 today?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you recall when?</p> <p>10 A. Right around the time of the lawsuit</p> <p>11 being filed.</p> <p>12 Q. When the lawsuit was filed. How did</p> <p>13 you obtain a copy of the lawsuit that was</p> <p>14 filed?</p> <p>15 A. I can't remember.</p> <p>16 Q. Do you recall visiting the website</p> <p>17 blackbadgerreport.com at that time?</p> <p>18 A. Yes.</p> <p>19 Q. That was the first time you had visited</p> <p>20 that website?</p> <p>21 A. I don't remember exactly when I first</p> <p>22 visited that website.</p> <p>23 Q. Okay.</p> <p>24 A. It was around the time that the lawsuit</p>

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<p>1 was filed.</p> <p>2 Q. Still looking at this interrogatory</p> <p>3 number 4, are you and Robert Rice the authors</p> <p>4 of content for PA Progress, the answer says you</p> <p>5 are. I am asking is that still your answer</p> <p>6 today?</p> <p>7 A. I don't know -- I was. Robert Rice, I</p> <p>8 don't remember.</p> <p>9 Q. Okay. But you did author content for</p> <p>10 PA Progress?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. There may have been others but</p> <p>13 you don't remember; is that fair?</p> <p>14 A. That's fair.</p> <p>15 Q. Okay. Do you have any sense of who</p> <p>16 those others might have been other than Robert</p> <p>17 Rice?</p> <p>18 A. I would be speculating so no.</p> <p>19 Q. Back looking at number 9 here. When</p> <p>20 have you used the alias Niko Badger?</p> <p>21 A. That name was thrown around as a fake</p> <p>22 name to be used for, as an author for blog</p> <p>23 posts.</p> <p>24 Q. Do you recall when that name was</p>	<p>1 utilized?</p> <p>2 A. I don't. It would have been -- I could</p> <p>3 guess, sometime between 2016 and 2017, I don't</p> <p>4 recall the exact month or date or time of year.</p> <p>5 Q. That is fine. I told you I was going</p> <p>6 to jump around so I am going to jump around a</p> <p>7 little bit now. Tell me a little bit about</p> <p>8 your background doing social media consulting?</p> <p>9 A. That is kind of a vague question.</p> <p>10 Q. Do you have a background doing social</p> <p>11 media consulting?</p> <p>12 A. Now?</p> <p>13 Q. Let's say prior to 2016.</p> <p>14 A. A little bit.</p> <p>15 Q. What did that entail, that experience?</p> <p>16 A. I would say primarily helping people</p> <p>17 with small mom and pops with Facebook pages was</p> <p>18 primarily the extent of what I was -- my</p> <p>19 background was in.</p> <p>20 Q. Okay. Rather than belabor this too</p> <p>21 much, I will just tell you that I read there is</p> <p>22 an article about you on Paste Magazine, and</p> <p>23 that is referenced in the complaint. Do you</p> <p>24 know what I am referring to?</p>
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<p>1 A. Yes.</p> <p>2 Q. Okay. This looks like Indy Week from</p> <p>3 the Tribal area, and the title of this article</p> <p>4 is these guys discovered one weird trick for</p> <p>5 building a clickbait empire. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. That is you on the right?</p> <p>8 A. Yes.</p> <p>9 Q. Have you seen this article before?</p> <p>10 A. Yes.</p> <p>11 Q. From what I understand a long time ago</p> <p>12 you lived in California, right?</p> <p>13 A. Yes.</p> <p>14 Q. You were a reporter?</p> <p>15 A. Yes.</p> <p>16 Q. Who were you a reporter for, what</p> <p>17 publication?</p> <p>18 A. I am sorry, what?</p> <p>19 Q. What publication or publications?</p> <p>20 A. Yeah, the San Berardino Sun, the</p> <p>21 Riverside Park Enterprise. I think that was --</p> <p>22 the Claremont Courier.</p> <p>23 Q. Okay. What period of time were you</p> <p>24 working as a reporter in California?</p>	<p>1 A. I began when I was 17, and probably off</p> <p>2 and on until I was 26.</p> <p>3 Q. Okay.</p> <p>4 MR. LAVERY: We have someone</p> <p>5 joining by phone, can you identify yourself?</p> <p>6 MS. DAVIS: Yes, Jessica Davis. I</p> <p>7 am having a hard time getting my audio to work</p> <p>8 on my computer.</p> <p>9 MR. LAVERY: I am sorry, Jess.</p> <p>10 MS. DAVIS: No, that is okay.</p> <p>11 BY MR. MARKOS:</p> <p>12 Q. At some point in time you ended up</p> <p>13 working at Movoto?</p> <p>14 A. Yes.</p> <p>15 Q. What kind of work did you do at Movoto?</p> <p>16 A. Primarily strategizing on how to get</p> <p>17 links back to Movoto's website.</p> <p>18 Q. You were still living in California at</p> <p>19 the time you were working with Movoto?</p> <p>20 A. No.</p> <p>21 Q. Were you in house or independent</p> <p>22 contractor with Movoto?</p> <p>23 A. I was an employee.</p> <p>24 Q. What period of time were you working</p>

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<p style="text-align: right;">Page 26</p> <p>1 there?</p> <p>2 A. I would say 2013 to 2016ish. That is</p> <p>3 an estimated range.</p> <p>4 Q. Were you still at Movoto when you</p> <p>5 created Chasing Chain?</p> <p>6 A. I was not.</p> <p>7 Q. Were you still there when you created</p> <p>8 RoadSnacks or HomeSnacks?</p> <p>9 A. I don't remember.</p> <p>10 Q. You said you had seen this article</p> <p>11 before. This is the same thing I just had up,</p> <p>12 do you have a good enough recollection of this</p> <p>13 article to tell me if there is anything in it</p> <p>14 generally that you remember that you disagree</p> <p>15 with?</p> <p>16 A. I don't remember the specifics of the</p> <p>17 article to comment on that now.</p> <p>18 MR. LAVERY: Are you going to mark</p> <p>19 that as an exhibit, Chris?</p> <p>20 MR. MARKOS: Yes, it is Exhibit 3.</p> <p>21 MR. LAVERY: Thank you.</p> <p>22 MR. MARKOS: No problem.</p> <p>23 (Whereupon article was marked for</p> <p>24 identification as Exhibit 3.)</p>	<p style="text-align: right;">Page 27</p> <p>1 BY MR. MARKOS:</p> <p>2 Q. When you first started posting content</p> <p>3 to RoadSnacks or HomeSnacks did this describe</p> <p>4 the nature of that content?</p> <p>5 A. I would describe it as rankings based</p> <p>6 on data.</p> <p>7 Q. Do you see what I highlighted?</p> <p>8 A. Yes.</p> <p>9 Q. I am going to read it so it is</p> <p>10 reflected in the record, but my question to you</p> <p>11 is going to be if you agree so disagree with</p> <p>12 the statements.</p> <p>13 So they launched a new website</p> <p>14 RoadSnacks to explore the darker side of</p> <p>15 "regional infotainment" hence the "boring" and</p> <p>16 dumbest posts. They've done a series of</p> <p>17 negative content for each state, drunkest</p> <p>18 cities, most stoned cities, douche bag cities,</p> <p>19 drug cities, and early HomeSnacks post about</p> <p>20 the best state in Florida netted only 25,000</p> <p>21 unique page views, "but then we flipped it on</p> <p>22 the RoadSnacks site and did the worst cities in</p> <p>23 Florida and that got 300,000 views in a week</p> <p>24 Johnson said. "Right now nine times out of ten</p>
<p style="text-align: right;">Page 28</p> <p>1 the traffic is better for negative stuff than</p> <p>2 the happier exciting stuff."</p> <p>3 There is more than one statement there</p> <p>4 obviously. Tell me if there is anything in</p> <p>5 what I just read to you that you disagree with?</p> <p>6 A. No, that is pretty accurate.</p> <p>7 Q. Do RoadSnacks and HomeSnacks still</p> <p>8 exist?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Are they active?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you recall approximately when you</p> <p>13 learned what was in the statement I just read</p> <p>14 to you that the negative content performed</p> <p>15 better or got more traffic than positive</p> <p>16 content?</p> <p>17 A. What is your question about that?</p> <p>18 Q. Do you remember at what point in time</p> <p>19 you learned what was related in that negative</p> <p>20 content drove higher traffic than positive</p> <p>21 content?</p> <p>22 A. It would have been right around the</p> <p>23 time the article came out.</p> <p>24 Q. The article itself, the first page</p>	<p style="text-align: right;">Page 29</p> <p>1 reflects that it has a date of April 27, 2016</p> <p>2 on it. I understand it is a general question,</p> <p>3 but you said that you recall the article in</p> <p>4 pastemagazine.com that you were one of the</p> <p>5 subjects of it that was cited in the complaint</p> <p>6 in this case. Are you able to tell me whether</p> <p>7 or not there is anything in the article that</p> <p>8 you disagree with or believe is untrue?</p> <p>9 A. Again, I haven't read it in a long</p> <p>10 time, so I would have to sit down and really go</p> <p>11 through it to answer that question.</p> <p>12 Q. That is fair. We talked about how you</p> <p>13 authored content on PA Progress, but my</p> <p>14 question now is whether you had control over</p> <p>15 that Facebook page. If you understand the</p> <p>16 question, you can answer.</p> <p>17 A. I don't remember. Control or like</p> <p>18 define your question more?</p> <p>19 Q. Okay. Did you create PA Progress, did</p> <p>20 you set up the page on Facebook?</p> <p>21 A. I don't remember.</p> <p>22 Q. Okay. I will represent to you that you</p> <p>23 can't access PA Progress Facebook page today.</p> <p>24 Do you know who would have taken it off</p>

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<p>1 Facebook?</p> <p>2 A. I don't.</p> <p>3 Q. Do you recall any conversations about</p> <p>4 taking PA Progress off Facebook?</p> <p>5 A. I was -- I do remember a conversation</p> <p>6 that was -- I was not suppose to take it off</p> <p>7 because it was evidence.</p> <p>8 Q. Okay. Did you, yourself, archive</p> <p>9 content for PA Progress?</p> <p>10 A. I screen shotted the stuff that was</p> <p>11 some of the posts that are most -- I think all</p> <p>12 of them are in the evidence, you have them</p> <p>13 already. The same stuff you have I have screen</p> <p>14 shotted previous posts.</p> <p>15 Q. Have you ever had any contact with</p> <p>16 somebody named Kurt Knaus?</p> <p>17 A. I didn't hear the name.</p> <p>18 Q. Kurt K-U-R-T, Knaus, K-N-A-U-S.</p> <p>19 A. I don't know who that is.</p> <p>20 Q. Have you ever had contact with websites</p> <p>21 called PA Pipeline Review?</p> <p>22 A. No.</p> <p>23 Q. PA Alliance for Energy?</p> <p>24 A. No.</p>	<p>1 Q. Marcellusdrilling.com?</p> <p>2 A. No.</p> <p>3 Q. Marcellusshale.com?</p> <p>4 A. No.</p> <p>5 Q. Anybody who works at Ceisler Media,</p> <p>6 C-E-I-S-L-E-R?</p> <p>7 A. I've never heard of Ceisler Media.</p> <p>8 Q. Same question for Bravo Group?</p> <p>9 A. I don't know what that is.</p> <p>10 Q. Have you ever submitted any articles or</p> <p>11 information to a website called PHL Anticab?</p> <p>12 A. I've never heard of that website in my</p> <p>13 life.</p> <p>14 Q. I am making sure I got the name right.</p> <p>15 Go to the top of the page, Philly</p> <p>16 Anti-Capitalist, do you see that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. You are lsphlanticap.noblog.org?</p> <p>19 A. I have never heard of this website in</p> <p>20 my life.</p> <p>21 Q. I will show you another website.</p> <p>22 kyoung4press.com, URL continues, at the top,</p> <p>23 well, okay. The main page is the bridge with</p> <p>24 Kira, psychopaths in charge. Have you seen</p>
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<p>1 this website before at all?</p> <p>2 A. I have seen this website, yes.</p> <p>3 Q. Do you recall when you saw it?</p> <p>4 A. I don't remember exactly when I saw</p> <p>5 this website.</p> <p>6 Q. Do you know if you saw it at any point</p> <p>7 in 2017?</p> <p>8 A. Is that the year that the PA Progress</p> <p>9 page was running?</p> <p>10 Q. Yes. So most of Camp White Pine for</p> <p>11 lack of a better word happened in 2017, so,</p> <p>12 yeah.</p> <p>13 A. Then it would have been 2017 when I saw</p> <p>14 the previous, not this that you are showing,</p> <p>15 but the other web, the psychopath website, that</p> <p>16 is what we were talking about, right?</p> <p>17 Q. Right. Psychopath in charge.</p> <p>18 A. Yes. So that website I did know I had</p> <p>19 seen and visited in 2017. I think that answers</p> <p>20 what you were trying to ask me.</p> <p>21 Q. Yes. Now, more specifically, this is a</p> <p>22 specific post on the website the bridge with</p> <p>23 Kira, live from Camp White Pine, there is a</p> <p>24 YouTube video?</p>	<p>1 A. You are showing something different.</p> <p>2 Q. Okay. Hold on. Tell me, I highlighted</p> <p>3 in blue the bridge with Kira, live from Camp</p> <p>4 White Pine. Do you see that?</p> <p>5 A. I can.</p> <p>6 Q. Have you seen this specific post before</p> <p>7 today?</p> <p>8 A. I do remember seeing this, yes.</p> <p>9 Q. When did you see it?</p> <p>10 A. It would have been like I said, 2017 at</p> <p>11 some point.</p> <p>12 Q. Did you watch the video?</p> <p>13 A. I don't remember.</p> <p>14 Q. Yeah, it is an hour and 48 minutes.</p> <p>15 A. Yeah, it is a podcast. I don't</p> <p>16 remember exactly what, how much of this video I</p> <p>17 watched, if that helps answer your question.</p> <p>18 Q. Okay. Do you recall whether you took</p> <p>19 information from this video to create content</p> <p>20 for PA Progress?</p> <p>21 A. I do recall, I think so, if it is the</p> <p>22 same video. I would have to -- honestly I</p> <p>23 would have to re-watch it to give you an</p> <p>24 affirmative yes or no.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Can we take like ten minutes and kind 2 of get a gist of it? I mean, I don't think it 3 makes sense to watch a two hour video together? 4 A. I know. I mean, I would probably have 5 to fast forward around and see if that is 6 something that I have seen before. If you guys 7 want to sit here and wait, I don't know how 8 long that is going to take. 9 Q. Let's take ten minutes, see what you 10 can see, if you can answer the question based 11 on that I am fine with that, you will either 12 remember or you won't, that is fine. 13 A. How am I going to play it, like do you 14 want me to Google this and find it and sit here 15 and play it while we are on the phone, how do 16 you want me to do this? 17 Q. I'm going to send this to Chris right 18 now and he will send it to you. 19 A. Okay. I mean, I can probably just look 20 at it, can you just email me that link would be 21 faster than email to Chris. 22 MR. GERBER: Yeah, I think that 23 makes sense. Why doesn't Chris send it to me 24 Nick, and then I will send it to you.</p>	<p style="text-align: right;">Page 35</p> <p>1 BY MR. MARKOS: 2 Q. Do you see this in Zoom? 3 A. Yeah, do you want me to sit here and do 4 this? 5 Q. No, we will go off the record, take a 6 break, come back at 11 and then you can tell us 7 if you recall specific information that you 8 used from the video on PA Progress, okay? 9 (Whereupon a discussion was held 10 off the record.) 11 BY MR. MARKOS: 12 Q. It is a two hour video, I gave you 10 13 minutes to look through it, I recognize that, 14 so my only question is, were you able to find 15 anything that you remember utilizing PA 16 Progress posts in that podcast? 17 A. Yes, sir. 18 Q. Can you tell me what? 19 A. At the 1 and 8, 1 hour 8 minute mark 20 approximately I believe Ellen Gerhart talks 21 about anarchy. About the 1 hour 11 minute mark 22 members of Camp White Pine talk about they 23 support anarchy, they support thrashing 24 windows, and it goes on and on from there.</p>
<p style="text-align: right;">Page 36</p> <p>1 So those were primarily the main parts 2 of the video that I used for PA Progress 3 content. 4 Q. Okay. I am sharing a screen shot of a 5 Facebook page, can everyone see that? 6 A. Yes. 7 MR. LAVERY: Does this one have an 8 exhibit number as well, Chris? 9 MR. MARKOS: Sure. 10 MR. LAVERY: Thank you. 11 MR. MARKOS: I am writing it down 12 as I am describing it so I can send them to the 13 court reporter in the correct order. 14 (Whereupon Facebook page was marked 15 for identification as Exhibit 4.) 16 BY MR. MARKOS: 17 Q. Nick, it is just this one page, so I 18 will try to get it just right. Can you read 19 this? 20 A. I can. 21 Q. Do you agree that it says it is from PA 22 Progress? 23 A. Yes. 24 Q. Do you recall authoring this post?</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I don't remember. 2 Q. Okay. Do you know if you have a copy 3 somewhere of this particular post? 4 A. I may have screen shot it and 5 included it in documents that I sent my lawyer, 6 but I don't know if I have this exact screen 7 shot. 8 Q. Sure. Okay. Do you see the text that 9 I highlighted? 10 A. Yes. 11 Q. It says, we are pleased to be able to 12 continue to show links between members of Camp 13 White Pine and known criminals. The direct 14 link to FBI suspects is beyond belief. Let me 15 back up a second. Do you recall seeing this 16 post before other than screenshooting it? 17 A. Yes. 18 Q. Did you have a conversation about the 19 content of this post before it was on the 20 Internet? 21 A. I don't remember. 22 Q. Would you normally for a PA Progress? 23 A. Yes. 24 Q. That may be with Robert Rice?</p>

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<p>1 A. It may have been.</p> <p>2 Q. Would you ever have conversations about</p> <p>3 specific content with Kurt Merriweather?</p> <p>4 A. I can't recall.</p> <p>5 Q. Did you ever have specific</p> <p>6 conversations about PA Progress content from</p> <p>7 anybody who worked for TigerSwan?</p> <p>8 A. I can't remember exactly.</p> <p>9 Q. Did you ever have specific</p> <p>10 conversations about content to be posted on PA</p> <p>11 Progress with anybody from Energy Transfer</p> <p>12 Partners, Sunoco Pipeline or Sunoco Logistics?</p> <p>13 A. That is a no.</p> <p>14 Q. Okay. Take a second to look at the</p> <p>15 whole post before I ask you a question.</p> <p>16 A. I read it, yeah, I read it.</p> <p>17 Q. What is the connection, explain to me</p> <p>18 the connection between Camp White Pine and</p> <p>19 known criminals?</p> <p>20 A. I don't feel I am at liberty to discuss</p> <p>21 something that I may not have written.</p> <p>22 Q. Okay. Do you know who else could have</p> <p>23 written this if it wasn't you?</p> <p>24 A. What?</p>	<p>1 Q. Who else could have possibly authored</p> <p>2 PA Progress post?</p> <p>3 A. I don't recall who had access to that</p> <p>4 Facebook page beyond myself, but I don't</p> <p>5 remember who else. There were other people,</p> <p>6 but I don't recall who they were, and, yeah.</p> <p>7 Q. Did you have communications with them</p> <p>8 that you still have copies of?</p> <p>9 A. I do not communicate with anybody that</p> <p>10 would have been -- that has access to this</p> <p>11 page, to this day I do not.</p> <p>12 Q. You said, and tell me if I am miss</p> <p>13 remembering, but I believe what you said before</p> <p>14 was around the time the lawsuit was filed you</p> <p>15 were told not to take PA Progress off line?</p> <p>16 A. That is true, that is true.</p> <p>17 Q. Do you recall who told you not to do</p> <p>18 that?</p> <p>19 A. I don't. I do remember that it was</p> <p>20 good advice, that is why I remember it because</p> <p>21 it was -- at some point I understood that I</p> <p>22 should not take anything down.</p> <p>23 Q. Okay. Do you recall where you were</p> <p>24 when you were told not to take anything down</p>
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<p>1 off the Internet?</p> <p>2 A. I don't.</p> <p>3 Q. Were you in North Carolina?</p> <p>4 A. I was.</p> <p>5 Q. Were you at home?</p> <p>6 A. I don't remember.</p> <p>7 Q. See the highlight?</p> <p>8 A. Yeah, yes.</p> <p>9 Q. Photo 3, Dan and Elise did an interview</p> <p>10 together on Russian television?</p> <p>11 A. Yes, I see that.</p> <p>12 Q. Do you recall that claim about being on</p> <p>13 Russian television together?</p> <p>14 A. Yes, sir, I do remember that Dan and</p> <p>15 Elise were on a program called Act Out, I think</p> <p>16 that is what it was called, I don't remember</p> <p>17 the exact name.</p> <p>18 Q. Okay. How do you know --</p> <p>19 MR. GERBER: Will you let him</p> <p>20 finish.</p> <p>21 MR. MARKOS: I thought he was</p> <p>22 finished. Go ahead.</p> <p>23 THE WITNESS: I mean, I pretty much</p> <p>24 was.</p>	<p>1 BY MR. MARKOS:</p> <p>2 Q. Did you see their interview on Act</p> <p>3 Power, Act Up, whatever it was?</p> <p>4 A. I do remember watching the interview,</p> <p>5 yes.</p> <p>6 Q. Did you remember how you came to</p> <p>7 ascertain that Act Out or whatever it was, that</p> <p>8 that program was on Russian television?</p> <p>9 A. I don't remember at the time. I do</p> <p>10 remember that the host, Eleanor Goldfield,</p> <p>11 after some Googling there was a connection to</p> <p>12 Russia, there were a lot of connections to</p> <p>13 Russia, but I don't remember the exact details</p> <p>14 now, but at the time I do remember that there</p> <p>15 was a clear connection between the program and</p> <p>16 the country of Russia.</p> <p>17 Q. Okay. Was it on television or was it</p> <p>18 online, do you recall?</p> <p>19 A. I don't know. I would have seen it</p> <p>20 online.</p> <p>21 Q. Okay. Do you recall if it was a</p> <p>22 Russian website where you saw it?</p> <p>23 A. I don't.</p> <p>24 Q. Sorry, I didn't hear your answer.</p>

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<p>1 A. I do not recall, sir.</p> <p>2 Q. Okay. Referring you to the Paste</p> <p>3 Magazine article we talked about before, do you</p> <p>4 see it?</p> <p>5 A. I do.</p> <p>6 Q. Do you see the title?</p> <p>7 A. I do.</p> <p>8 Q. The article has a date of September 7,</p> <p>9 '17. We can mark this as Exhibit 5.</p> <p>10 (Whereupon article was marked for</p> <p>11 identification as Exhibit 5.)</p> <p>12 BY MR. MARKOS:</p> <p>13 Q. I have scrolled down a ways, I want to</p> <p>14 ask you about what is written here, so I want</p> <p>15 to give you an opportunity to read it, tell me</p> <p>16 when you are ready for me to scroll down for</p> <p>17 you?</p> <p>18 A. I have read that.</p> <p>19 Q. Where did you stop, right here? Tell</p> <p>20 me when you are ready.</p> <p>21 A. Where it states with Nate Clay, I did</p> <p>22 not read below that.</p> <p>23 Q. Okay, go ahead.</p> <p>24 A. Okay.</p>	<p>1 Q. Where I just had you read from one of</p> <p>2 the newer posts on PA Progress to the sick</p> <p>3 story, question mark. Is that truthful as far</p> <p>4 as you know?</p> <p>5 A. I need to reread it again because I</p> <p>6 didn't know what the context was of me reading</p> <p>7 it, sorry.</p> <p>8 Q. Fair enough, just tell me when you need</p> <p>9 me to scroll down.</p> <p>10 A. It is not accurate.</p> <p>11 Q. What is not accurate?</p> <p>12 A. Certain, I mean, it has political slant</p> <p>13 to it, so it is not accurate. It is very</p> <p>14 opinionated.</p> <p>15 Q. The opinion is that you are writing for</p> <p>16 Black Badger Report?</p> <p>17 A. I agree that is what the article is</p> <p>18 surmising, yes.</p> <p>19 Q. That is not accurate is what you are</p> <p>20 saying?</p> <p>21 A. That is not accurate.</p> <p>22 Q. Okay. This sentence is accurate, Nick</p> <p>23 Clay was the pseudonym Nick Johnson used in his</p> <p>24 emails?</p>
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<p>1 A. I don't remember that.</p> <p>2 Q. Well, put the emails aside, we talked</p> <p>3 before about aliases you used before in the</p> <p>4 past?</p> <p>5 A. Sure.</p> <p>6 Q. Okay. And you acknowledged before Niko</p> <p>7 Badger was an alias you used before in the</p> <p>8 past?</p> <p>9 A. I got you, yes, yes.</p> <p>10 Q. Okay. What you believe is not accurate</p> <p>11 about this section of this article is that you,</p> <p>12 Nick Johnson, never authored content on Black</p> <p>13 Badger Report, is that your testimony?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. You see here Green Libertarian</p> <p>16 Unity?</p> <p>17 A. Yes.</p> <p>18 Q. I will represent to you rather than</p> <p>19 trying to find it in my stash of stuff, there</p> <p>20 was a post on PA Progress that said it was part</p> <p>21 of Green Libertarian Unity. Did you have any</p> <p>22 involvement in the Green Libertarian Unity</p> <p>23 Facebook page?</p> <p>24 A. I don't remember.</p>	<p>1 Q. What about a Facebook page called Cats</p> <p>2 4 Truth, two lines down from that highlighting?</p> <p>3 A. I do remember that, yes.</p> <p>4 Q. Do you see entertainment purposes only?</p> <p>5 A. Yes.</p> <p>6 Q. You used that disclaimer on HomeSnacks</p> <p>7 and RoadSnacks before?</p> <p>8 A. Yeah, that has been mentioned on</p> <p>9 websites, yes.</p> <p>10 Q. Was that mentioned on your websites</p> <p>11 that disclaimer appears or the fact that you</p> <p>12 used it is mentioned on other websites?</p> <p>13 A. The fact that that term is used on</p> <p>14 other websites, yes, sir, that I have managed.</p> <p>15 Q. All right, let me back up so I can</p> <p>16 explain what we are doing. According to the</p> <p>17 article there was a video underneath text</p> <p>18 breaking news footage of TigerSwan performing</p> <p>19 illegal actions in the state of North Dakota</p> <p>20 has just been located, and the article a link</p> <p>21 to the audio because the video was removed.</p> <p>22 Apparently the video was on Cats 4 Truth</p> <p>23 Facebook page. This is</p> <p>24 soundcloud.com/user-450778931/cat-audio. Is</p>

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<p style="text-align: right;">Page 46</p> <p>1 that your voice?</p> <p>2 A. I don't hear anything. I think you</p> <p>3 need to turn up your volume.</p> <p>4 Q. Okay, hold on. One second. I am going</p> <p>5 to try to play it on my phone, let me know if</p> <p>6 my microphone is picking it up. Were you able</p> <p>7 to hear that?</p> <p>8 A. No, I couldn't, and also I couldn't see</p> <p>9 that you are also to know that that is the same</p> <p>10 thing that you're -- I mean, I don't know what</p> <p>11 that was, you held your phone up and played</p> <p>12 something, is that this.</p> <p>13 Q. Yeah, it is the same thing. Hold on</p> <p>14 one second. I have one last attempt.</p> <p>15 MR. LAVERY: Chris, just so you</p> <p>16 know, it was not audible. There was voice</p> <p>17 noise but you couldn't make it out. I want the</p> <p>18 record to reflect that.</p> <p>19 MR. MARKOS: I figured there was a</p> <p>20 problem. I am putting the link for URL in</p> <p>21 chat, Nick. Can you play it on your own</p> <p>22 computer, it is ten seconds?</p> <p>23 A. Yeah. Yes, that is me.</p> <p>24 Q. That was posted on the Cats 4 Truth</p>	<p style="text-align: right;">Page 47</p> <p>1 Facebook page?</p> <p>2 A. I don't remember.</p> <p>3 Q. Was it posted on social media somewhere</p> <p>4 by you?</p> <p>5 A. I don't remember.</p> <p>6 Q. Do you remember why you created that?</p> <p>7 A. No, I don't.</p> <p>8 Q. I got to figure this out now. Could</p> <p>9 you hear that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So this is the easy way to do it</p> <p>12 I guess. This is the website that appears at</p> <p>13 paragraph 160 of the second amended complaint.</p> <p>14 It is a video, and I am going to play it from</p> <p>15 the beginning.</p> <p>16 (Playing video.)</p> <p>17 BY MR. MARKOS:</p> <p>18 Q. Nick, did you create this film?</p> <p>19 A. I did.</p> <p>20 Q. Did anybody else work on it with you?</p> <p>21 A. I don't remember.</p> <p>22 Q. Obviously there is an actor involved,</p> <p>23 but besides him?</p> <p>24 A. I don't recall.</p>
<p style="text-align: right;">Page 48</p> <p>1 Q. Where did your idea for creating this</p> <p>2 video come about or how did it come about</p> <p>3 rather?</p> <p>4 A. The goal was to take the information</p> <p>5 that was coming from the Camp White Pine</p> <p>6 Facebook page and just repeat everything that</p> <p>7 we had seen and written, that they were</p> <p>8 posting, that they were talking about on social</p> <p>9 media, they were talking about in interviews,</p> <p>10 and basically just repeat the same content to</p> <p>11 create an unbiased look at what was happening</p> <p>12 in rural Pennsylvania. It was not any attempt</p> <p>13 to harm or discredit them in any way.</p> <p>14 Q. I will go through it a little bit</p> <p>15 piecemeal, okay. One thing the actor said</p> <p>16 though was they are actively recruiting other</p> <p>17 an anarchists to the area to join them as we</p> <p>18 speak. Do you see that?</p> <p>19 A. What am I looking at?</p> <p>20 Q. It should be the complaint with the</p> <p>21 blue highlight.</p> <p>22 A. You are not on that page, you are on a</p> <p>23 different page, sorry. I can see that, yes.</p> <p>24 Q. As far as you know, does this</p>	<p style="text-align: right;">Page 49</p> <p>1 accurately represent what the actor said in the</p> <p>2 video?</p> <p>3 A. Can you repeat that again?</p> <p>4 Q. Does this accurately represent what the</p> <p>5 actor says in the video?</p> <p>6 A. The what? I can't hear you.</p> <p>7 Q. They are actively recruiting other</p> <p>8 anarchists to the area to join them as we</p> <p>9 speak. Do you see that?</p> <p>10 A. I do see that, yes.</p> <p>11 Q. Okay. Does that accurately reflect</p> <p>12 what the actor says in the video?</p> <p>13 A. Yes, yes, sorry, I couldn't hear what</p> <p>14 you were saying.</p> <p>15 Q. No, that is okay. Did you have some</p> <p>16 basis that they, the Gerharts, were</p> <p>17 specifically recruiting anarchists to the area?</p> <p>18 A. I think the basis was on social media</p> <p>19 they were trying to get people to come to the</p> <p>20 Camp White Pine to support their efforts.</p> <p>21 There were a lot of people that they</p> <p>22 actively supported on their social media</p> <p>23 including people that had sabotaged pipelines.</p> <p>24 They had posted a lot about they were in</p>

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<p>1 support of pipelines, sabotage individuals, 2 people that had been accused and convicted of 3 sabotaging pipelines. 4 They had people at their camp where 5 they were interviewed, in particular the posts 6 that I listened to a little bit ago with a 7 psychopath radio where they were giggling and 8 laughing about how anarchy was good and 9 smashing windows was good, and we need to start 10 a revolution. When the mom was talking about 11 how giggle, giggle, anarchy is maybe not such a 12 bad thing, maybe I am an anarchist but I don't 13 know, and all of that stuff was the basis for 14 that. 15 Q. My question is a little different 16 though. Did you come across anything that gave 17 you the impression that they were specifically 18 recruiting anarchists? 19 A. I didn't write the scripts in the way 20 that it was recited by this individual. 21 Q. Okay. You didn't have it changed 22 though after he said actively recruiting other 23 anarchists? 24 A. Correct.</p>	<p>1 Q. Did you do more than one take? 2 A. I don't remember. 3 Q. The next sentence, many of these people 4 are the same ones who caused so much chaos in 5 Standing Rock, North Dakota. Do you see that? 6 A. I do see that, yes. 7 Q. What basis do you have for that 8 description? 9 A. Depends on how you infer. You can read 10 that sentence in many different ways so I don't 11 know if I can speak of how one person might 12 understand that sentence or infer from that as 13 opposed to what another person might infer from 14 that. 15 Q. I will go back to the video. 16 (Playing video.) 17 BY MR. MARKOS: 18 Q. So tell me if you agree with this 19 representation, as the actor says many of these 20 people are the same ones who have caused chaos 21 in Standing Rock, North Dakota, that statement 22 is over video of something burning; is that 23 fair? 24 A. That is fair, yes.</p>
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<p>1 Q. I will be honest, I don't know exactly 2 what many of these people mean, if you are 3 talking about people who are being recruited or 4 people who had already at Camp White Pine? 5 MR. LAVERY: Objection. 6 BY MR. MARKOS: 7 Q. But either way, that they are the same 8 ones who caused so much chaos in Standing Rock, 9 North Dakota. What is your basis for that 10 statement? 11 A. I didn't say that. 12 Q. You said you created the video, right? 13 A. I did, but I didn't speak those words 14 or did I write them exactly the way they were 15 spoken. 16 Q. You posted this on PA Progress, the 17 video? 18 A. I did sir, yes. 19 Q. You edited the video? 20 A. I did. 21 Q. Did you shoot the video? 22 A. I did. 23 Q. Did you have separate sound equipment 24 or was it like all just one general?</p>	<p>1 A. I don't remember. 2 Q. Okay. It goes on to say so far about a 3 dozen intimidating supporters have come to the 4 area to sit in the camp they call Camp White 5 Pine. Do you see that? 6 A. Go back to, I think you are still on 7 The Intercept's website. 8 Q. Yeah, you are right. Am I there? 9 A. You are there now, yes. 10 Q. So far about a dozen intimidating 11 supporters have come to the area to sit in the 12 camp they call Camp White Pine. My question is 13 about intimidating, what did you know about the 14 supporters at Camp White Pine intimidating 15 anybody? 16 A. Again, I don't know if I wrote that 17 exactly the way that it was said nor did I 18 speak those words. 19 Q. I am not going to dispute that the 20 actor was not you, I understand that, right. 21 You posted the video, though, right? 22 A. Sure. 23 Q. Okay. That is not argument, so I know 24 you didn't say those words, but you put them on</p>

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<p>1 the Internet, did you not?</p> <p>2 A. I put a video up, but somebody else</p> <p>3 said those words, yes.</p> <p>4 Q. What did you tell the actor to say, if</p> <p>5 anything?</p> <p>6 A. The actor had a script.</p> <p>7 Q. Do you have a copy of the script you</p> <p>8 gave the actor?</p> <p>9 A. I do not.</p> <p>10 Q. Okay. You don't have the actor's</p> <p>11 contact information anymore, right?</p> <p>12 A. I do not.</p> <p>13 Q. The times he went off script you didn't</p> <p>14 direct him back to the script as you had</p> <p>15 written it?</p> <p>16 A. I don't remember, this was seven years</p> <p>17 ago.</p> <p>18 Q. The purpose of the camp is to recruit</p> <p>19 people to the property and begin planning a</p> <p>20 direct action against the State of</p> <p>21 Pennsylvania. First, let me ask, what do you</p> <p>22 understand direct action to mean?</p> <p>23 A. Direct action to me means getting</p> <p>24 involved with, I mean, my personal opinion</p>	<p>1 would be stopping the police, getting involved</p> <p>2 with the police, creating an incident that</p> <p>3 would halt the progress of something that was</p> <p>4 happening.</p> <p>5 Q. What would a direct action against</p> <p>6 Pennsylvania be?</p> <p>7 A. People from North Dakota. That is very</p> <p>8 vague, I don't know how to answer that</p> <p>9 question.</p> <p>10 Q. Sorry, go ahead.</p> <p>11 A. I mean, that would be a very --</p> <p>12 everybody would probably have a different</p> <p>13 opinion on that, I don't know if there is a</p> <p>14 direct yes or no answer to that question.</p> <p>15 Q. Do you have an opinion of what direct</p> <p>16 action against the State of Pennsylvania is?</p> <p>17 A. Do I have an opinion, no.</p> <p>18 (Playing video.)</p> <p>19 BY MR. MARKOS:</p> <p>20 Q. So over the texts we were just</p> <p>21 discussing the video portrays people addressed</p> <p>22 in black at some sort of demonstration; is that</p> <p>23 fair?</p> <p>24 A. It does, yes, sir.</p>
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<p>1 Q. Okay. Do you know what this footage is</p> <p>2 from of the demonstration?</p> <p>3 A. I don't.</p> <p>4 Q. Do you recall why you chose this</p> <p>5 footage in particular to juxtapose with the,</p> <p>6 quote, direct action against Pennsylvania?</p> <p>7 A. I don't.</p> <p>8 Q. Do you recall one way or the other if</p> <p>9 it is footage of the J20 protests?</p> <p>10 A. Can you repeat that, you cut out a</p> <p>11 little bit?</p> <p>12 Q. Do you recall one way or the other if</p> <p>13 the footage is of the J 20 inauguration day</p> <p>14 protest?</p> <p>15 A. I don't.</p> <p>16 Q. Do you know what J 20 is, separate from</p> <p>17 the question I just asked you?</p> <p>18 A. I have some sort of an idea, but I</p> <p>19 don't know exactly.</p> <p>20 Q. Okay.</p> <p>21 A. Excuse me for ten seconds, I have a dog</p> <p>22 that I am watching and I have to let him in and</p> <p>23 out of the room.</p> <p>24 Q. I am going on to the next sentence.</p>	<p>1 Some of their supporters come from as far away</p> <p>2 Iowa where a leftist anti government cult</p> <p>3 admitted to blowing up oil pipelines last fall.</p> <p>4 Are you with me?</p> <p>5 A. I am, yes, sir.</p> <p>6 Q. Do you have any recollection of coming</p> <p>7 across information that supporters of the</p> <p>8 Gerharts were part -- had any involvement in</p> <p>9 blowing up oil pipelines last fall?</p> <p>10 A. At the time I recall that people that</p> <p>11 were at the camp were pictured alongside of</p> <p>12 pipeline sabotage people including Jessica</p> <p>13 Rosenic and Ruby Montoya, those two individuals</p> <p>14 were accused of and I think convicted of</p> <p>15 sabotaging pipelines and had a history of</p> <p>16 wanting to do very bad things to pipelines.</p> <p>17 People that were at Camp White Pine</p> <p>18 were seen pictured with them and hanging out</p> <p>19 with them, and I believe even were doing video</p> <p>20 interviews in support of those people.</p> <p>21 Q. Besides Jessica and Ruby, are you aware</p> <p>22 of anybody else from Iowa who admitted to</p> <p>23 blowing up oil pipelines in the fall before</p> <p>24 this video was made?</p>

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<p>1 A. I am not.</p> <p>2 Q. And as far as you know, neither Jessica</p> <p>3 nor Ruby was ever at camp pipeline?</p> <p>4 A. Dan was, and Dan was pictured many</p> <p>5 times with that group, and another guy named --</p> <p>6 I don't remember his name, I am not going to</p> <p>7 speculate, there was a lot of connections</p> <p>8 between the individuals at Camp White Pine who</p> <p>9 were friends of Elisa's who were also friends</p> <p>10 with people that were doing very, very bad</p> <p>11 things including sabotaging pipelines.</p> <p>12 Q. I understand your answer, however, my</p> <p>13 question was simply as far as you know Jessica</p> <p>14 and Ruby were never at Camp White Pine?</p> <p>15 A. That is a fair statement.</p> <p>16 Q. Bear with me one second. You still see</p> <p>17 that complaint, right?</p> <p>18 A. I can.</p> <p>19 Q. The next sentence is now here are some</p> <p>20 of the social media coming from their camp.</p> <p>21 When the actor says that, this is what your</p> <p>22 video shows. Can you see the video?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Are the faces -- I guess you can see</p>	<p>1 what it says?</p> <p>2 A. Yes.</p> <p>3 Q. Did you pull this post from somewhere?</p> <p>4 A. I -- this was taken from a post that</p> <p>5 was either from Camp White Pine where they were</p> <p>6 telling people, giving them advice on how to</p> <p>7 successfully get involved to protect yourself</p> <p>8 in case of a protestor, what to do during a</p> <p>9 protest or it was taken from somebody who was</p> <p>10 actively involved in the camp that posted this</p> <p>11 on Camp White Pine page.</p> <p>12 It is very much connected, either taken</p> <p>13 from the Camp White Pine page or posted by</p> <p>14 somebody that was at Camp White Pine, giving</p> <p>15 people advice on how to act while they were at</p> <p>16 a protest. I believe so, I don't remember</p> <p>17 exactly, but I think that is the context of</p> <p>18 this.</p> <p>19 Q. Do you see this original post, do you</p> <p>20 have a copy of it?</p> <p>21 A. I don't remember. I don't know, I</p> <p>22 might. I would have to look, but I can</p> <p>23 guarantee you this was very much connected to</p> <p>24 either Camp White Pine page itself or somebody</p>
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<p>1 that was at the Camp White Pine posted this.</p> <p>2 Q. Is it your position that this post</p> <p>3 encourages these people to engage in violence</p> <p>4 towards others?</p> <p>5 A. That is not what I am saying at all.</p> <p>6 Q. Okay. Does this post advise people on</p> <p>7 how to protect themselves if they are attacked?</p> <p>8 A. It was a post that was posted -- a post</p> <p>9 that was published on their page.</p> <p>10 Q. Would you agree with me this is the</p> <p>11 only posting from either Camp White Pine itself</p> <p>12 or anybody associated with it that appears in</p> <p>13 your video?</p> <p>14 A. I would have to re-watch the entire</p> <p>15 video. I actually know that is not the only</p> <p>16 one. If I am understanding your question</p> <p>17 correctly you want to know was there any other</p> <p>18 content from Camp White Pine that was used in</p> <p>19 the video, is that what you are asking me?</p> <p>20 Q. That is what I am asking. I know that</p> <p>21 is a bad question because I know some of the</p> <p>22 images came from Camp White Pine.</p> <p>23 A. Does the video of Elise and the tree</p> <p>24 with a mask on, I don't know where that came</p>	<p>1 from, it probably came from their page.</p> <p>2 Q. Stay with where the video is, okay?</p> <p>3 A. Yes, sir. I don't recall where that</p> <p>4 came from. That was posted on Camp White Pine.</p> <p>5 Q. So what you don't recall was a picture</p> <p>6 of Ellen and somebody else, right?</p> <p>7 A. Yes, sir, I don't recall exactly where</p> <p>8 that came from.</p> <p>9 Q. That is okay. I just want to make sure</p> <p>10 the record is clear, the one we just looked at</p> <p>11 that you said came from their website, somebody</p> <p>12 on a tree line, with a poster that says J 20 to</p> <p>13 G 20, we are something?</p> <p>14 A. We are ungovernable. That was posted</p> <p>15 on the Camp White Pine page, yes.</p> <p>16 Q. Okay. The image of the burning</p> <p>17 something at 30 seconds, that is not from Camp</p> <p>18 White Pine, is it?</p> <p>19 A. No.</p> <p>20 Q. Do you recall what this is, the</p> <p>21 burning?</p> <p>22 A. I think that was Standing Rock.</p> <p>23 Q. Was this video that you personally took</p> <p>24 yourself or you found it somewhere?</p>

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<p>1 A. No, sir, I did not take that video.</p> <p>2 Q. This appears to be a protest or some</p> <p>3 kind of demonstration. Did this segment of the</p> <p>4 video come from Camp White Pine or anybody at</p> <p>5 Camp White Pine?</p> <p>6 A. That was not at Camp White Pine, no.</p> <p>7 Q. Do you know what it is?</p> <p>8 A. I think that is Standing Rock again.</p> <p>9 Q. Is this video that you took?</p> <p>10 A. No.</p> <p>11 Q. Do you know who did take it?</p> <p>12 A. I do not.</p> <p>13 Q. Somebody with a mask and glasses. Are</p> <p>14 you familiar with the image we just --</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did that come from Camp White</p> <p>17 Pine or anybody involved in Camp White Pine's</p> <p>18 pages?</p> <p>19 A. That was either linked to from Camp</p> <p>20 White Pine or they posted it. I don't remember</p> <p>21 exactly where that came from, but it was either</p> <p>22 an interview that somebody did on them or a</p> <p>23 story that was done on them that they linked to</p> <p>24 or published on their Facebook page itself.</p>	<p>1 I can't recall exactly the connection</p> <p>2 there, but that was clearly at Camp White Pine</p> <p>3 where that came from.</p> <p>4 Q. Okay. Same for everybody in or near a</p> <p>5 tree that we just looked at?</p> <p>6 A. Yes, sir, same thing.</p> <p>7 Q. We talked about this part. So after</p> <p>8 the image of the posting is somebody smashing a</p> <p>9 window at a bank, right?</p> <p>10 A. That is how the video appears, yes.</p> <p>11 Q. Do you know what that video came from,</p> <p>12 of the window smashing?</p> <p>13 A. I do not.</p> <p>14 Q. The video goes on to say they were also</p> <p>15 posting about overthrowing President Trump,</p> <p>16 sabotaging pipelines and destroying buildings</p> <p>17 in large city centers. Do you have today as we</p> <p>18 are talking copies of those postings that the</p> <p>19 video references, overthrowing President Trump,</p> <p>20 sabotaging pipelines and destroying buildings</p> <p>21 in large city centers?</p> <p>22 A. You had me listen to it. It was in the</p> <p>23 hour and 48 minute podcast on psychopath radio.</p> <p>24 Q. Okay. Somewhere in that podcast is</p>
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<p>1 where those claims come from, overturn</p> <p>2 President Trump, sabotaging pipelines and</p> <p>3 destroying buildings in large city centers?</p> <p>4 A. Many of them during the podcast, yes,</p> <p>5 sir.</p> <p>6 Q. Many of them or all of them?</p> <p>7 A. Some of them came -- some of those</p> <p>8 claims -- some of those statements made in the</p> <p>9 video were from that podcast, some of them were</p> <p>10 from other posts that the group made, that Camp</p> <p>11 White Pine made.</p> <p>12 Q. The stuff that didn't come from the</p> <p>13 podcast, do you have copies of those posts?</p> <p>14 A. I do have screenshots of a lot of</p> <p>15 things that were posted on Camp White Pine or</p> <p>16 were posted by people who were associated with</p> <p>17 Camp White Pine or were interviewed either</p> <p>18 radio or TV or podcast that were done that</p> <p>19 involves Camp White Pine or people in Camp</p> <p>20 White Pine, and all of that I have a file with</p> <p>21 all that stuff that my lawyer has, so.</p> <p>22 Q. Okay. Did you ever read the comments</p> <p>23 either of a shared post or the actual post</p> <p>24 itself for anything on PA Progress?</p>	<p>1 A. Probably, but I can't recall.</p> <p>2 Q. I have a hard time finding it, but I</p> <p>3 can try if we need to, there was a Boston PA</p> <p>4 Progress that said the Gerharts opposition to</p> <p>5 the pipeline would cause taxes in Huntingdon</p> <p>6 County to rise. Do you recall such a post?</p> <p>7 A. No.</p> <p>8 Q. Well, then bear with me for a second, I</p> <p>9 will try to find it.</p> <p>10 A. Okay.</p> <p>11 (Whereupon PA Progress posts were</p> <p>12 marked for identification as Exhibit 6.)</p> <p>13 BY MR. MARKOS:</p> <p>14 Q. This is a post from August 15th, based</p> <p>15 on the date at the top I am assuming it was</p> <p>16 2017. Can you read the post?</p> <p>17 A. Yeah, I am reading it right now. Okay,</p> <p>18 I have read this.</p> <p>19 Q. Let me make sure it doesn't go on to</p> <p>20 the next page. It does and it doesn't. I</p> <p>21 don't know what that image is, do you recall</p> <p>22 what images were accompanying this post?</p> <p>23 A. I do not.</p> <p>24 Q. Do you recall if you wrote this post?</p>

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<p>1 A. I do not recall if I wrote this.</p> <p>2 Q. Do you recall any discussions about a</p> <p>3 post about the impact on local taxes of the</p> <p>4 Gerharts' opposition to the pipeline?</p> <p>5 A. Is that what you just asked?</p> <p>6 Q. I said do you recall if you ever had a</p> <p>7 conversation about posting information about</p> <p>8 how the Gerharts' opposition to the pipeline</p> <p>9 would increase local taxes?</p> <p>10 A. I don't remember anything about that,</p> <p>11 no.</p> <p>12 Q. You see paid by the pipeline?</p> <p>13 A. I do.</p> <p>14 Q. This is theintercept.com/2020/02/12/</p> <p>15 jordan-cove-oregon-pembina-pipeline. This will</p> <p>16 be Exhibit 7, and I will get a copy of this</p> <p>17 page for everybody.</p> <p>18 (Whereupon article was marked for</p> <p>19 identification as Exhibit 7.)</p> <p>20 BY MR. MARKOS:</p> <p>21 Q. The image on the right, is that you,</p> <p>22 Nick?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Is the image on the left Robert Rice?</p>	<p>1 A. Yes, sir.</p> <p>2 Q. The article says they were taken at a</p> <p>3 meeting in North Dakota in August 2017. I</p> <p>4 don't know how you know, but to the best of</p> <p>5 your knowledge were you in North Dakota in</p> <p>6 August of 2017?</p> <p>7 A. I can't talk about that.</p> <p>8 Q. Okay. At whose direction can't you</p> <p>9 talk about that?</p> <p>10 A. I just -- I am legally -- that is all I</p> <p>11 can say.</p> <p>12 Q. Do you have a legal agreement?</p> <p>13 A. I am not sure if there is an NDA for</p> <p>14 this particular photo, sir. So unless I am a</p> <p>15 hundred percent sure then I am not going to</p> <p>16 discuss it.</p> <p>17 Q. Who do you have NDAs with?</p> <p>18 A. I don't know if there is an NDA, but</p> <p>19 there might be one in regards to this.</p> <p>20 Q. This photo you mean?</p> <p>21 A. Yes, sir.</p> <p>22 Q. If there is who would it be with or do</p> <p>23 you have so many --</p> <p>24 A. Again, I cannot discuss it.</p>
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<p>1 Q. Let me ask the question differently.</p> <p>2 Do you have an NDA with the company TigerSwan?</p> <p>3 A. Again, I am not allowed to discuss</p> <p>4 that.</p> <p>5 Q. You are not allowed to answer yes or</p> <p>6 no?</p> <p>7 A. I choose not to.</p> <p>8 Q. Okay. Do you have an NDA with the</p> <p>9 company Energy Transfer Partners?</p> <p>10 A. I do not.</p> <p>11 Q. What about Sunoco Logistics?</p> <p>12 A. I do not.</p> <p>13 Q. Sunoco Pipeline?</p> <p>14 A. I do not.</p> <p>15 Q. Peter Fork Partners?</p> <p>16 A. I cannot discuss that.</p> <p>17 Q. Okay. The two paragraphs here at the</p> <p>18 top, can you read those for me, not out loud</p> <p>19 just to yourself?</p> <p>20 A. Okay, I have read it.</p> <p>21 Q. The article it says what Nate says --</p> <p>22 sorry, what Grant Stewart says you told him.</p> <p>23 Is what the article relates Grant Stewart</p> <p>24 saying accurate about what you said?</p>	<p>1 A. Who is you?</p> <p>2 Q. Let me back up a second. Did you speak</p> <p>3 to Grant Stewart about PA Progress?</p> <p>4 A. I don't remember.</p> <p>5 Q. It says Nate encouraged Stewart to</p> <p>6 drive past the Gerhart home and capture video</p> <p>7 from footage, which he promised to post on the</p> <p>8 Facebook page. Do you recall ever having such</p> <p>9 a conversation?</p> <p>10 A. I do not.</p> <p>11 Q. One way or the other?</p> <p>12 A. I don't remember, I don't remember</p> <p>13 this.</p> <p>14 Q. Do you remember suggesting, ever</p> <p>15 suggesting to make noise by setting off</p> <p>16 fireworks or M 80s near the Gerhart property?</p> <p>17 A. I do not recall saying that.</p> <p>18 Q. You don't deny it either?</p> <p>19 A. I don't remember saying it so then that</p> <p>20 would be a denial.</p> <p>21 Q. I am not going to dispute that the word</p> <p>22 anarchist has been used by a lot of people</p> <p>23 involved in this case, but my question to you</p> <p>24 is, what is your understanding of the term</p>

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<p>1 anarchism?</p> <p>2 A. That is a vague question. Did you want</p> <p>3 to ask me yes or no questions about that, I can</p> <p>4 answer that, but I don't feel it is fair for</p> <p>5 you to put me on the spot and try to have me</p> <p>6 come up with a definition to a term, so if you</p> <p>7 want to phrase it in a different way.</p> <p>8 Q. Okay. Do you have an understanding --</p> <p>9 sorry to, were you done?</p> <p>10 A. I was done, yes.</p> <p>11 Q. Do you have an understanding what the</p> <p>12 term anarchism means?</p> <p>13 A. I have an understanding of what -- I</p> <p>14 mean, a vague definition of what anarchism is,</p> <p>15 yes, sir.</p> <p>16 Q. Do you equate anarchism with violence?</p> <p>17 A. I don't really feel that is a question</p> <p>18 that I thought enough to actually answer</p> <p>19 thoroughly for you.</p> <p>20 Q. Is the PA Progress video that we talked</p> <p>21 about, specifically did you equate the concept</p> <p>22 of anarchism with violence?</p> <p>23 A. It appears that, yes, I did overlay</p> <p>24 anarchism with lots of violence, yes, sir.</p>	<p>1 Q. So The Intercept is the only place</p> <p>2 where I can find a copy of the video anymore,</p> <p>3 and in some reporting I will just represent</p> <p>4 that the copyright claim was asserted for the</p> <p>5 YouTube version of the video. So the article</p> <p>6 isn't shown anymore.</p> <p>7 Did you assert a copyright claim</p> <p>8 yourself over the video that we just watched?</p> <p>9 A. I did.</p> <p>10 Q. Did you do that in conjunction with</p> <p>11 anybody else?</p> <p>12 A. I don't remember.</p> <p>13 Q. Did you do that on your own volition or</p> <p>14 at anybody's direction?</p> <p>15 A. I don't remember.</p> <p>16 Q. On the same Intercept page that we were</p> <p>17 looking at before, the link is in paragraph 160</p> <p>18 of the complaint, the second amended complaint.</p> <p>19 Right below the PA Progress video, I will just</p> <p>20 play it for you.</p> <p>21 (Playing video.)</p> <p>22 MR. MARKOS: Linda, can we get</p> <p>23 this?</p> <p>24 "Hey guys, it is Brent Williamson</p>
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<p>1 here reporting for Louisiana First down in</p> <p>2 Baton Rouge. We are at the courthouse and we</p> <p>3 have some new information on the woman fighting</p> <p>4 against pipelines here in Louisiana. Her name</p> <p>5 is Sharee Boytland, and she claims to be a poor</p> <p>6 woman trying to stop a new pipeline from being</p> <p>7 built here in Louisiana. That is not true,</p> <p>8 this woman is making six figures a year to stop</p> <p>9 pipelines. We have proof of what the directors</p> <p>10 of other environmental groups are being paid.</p> <p>11 The director of a sister organization makes</p> <p>12 \$100,000 a year. The director of another</p> <p>13 similar organization makes \$120,000 a year. We</p> <p>14 just went to Louisiana secretary of state</p> <p>15 office, Sharee Boytland hasn't filed any</p> <p>16 paperwork in the past year and she isn't</p> <p>17 telling us how much she makes despite legally</p> <p>18 she has to.</p> <p>19 Our question to this woman is if you</p> <p>20 are being paid more than \$100,000 to try and</p> <p>21 stop pipelines, why do you claim to be poor?</p> <p>22 We already know you have admitted to being paid</p> <p>23 for each protest you organize. This woman is</p> <p>24 not a grassroots organizer. She is being paid</p>	<p>1 a shit ton of money for her job to try and stop</p> <p>2 people here from getting new jobs. Our state</p> <p>3 needs energy infrastructure. This woman is</p> <p>4 Louisiana's biggest enemy."</p> <p>5 BY MR. MARKOS:</p> <p>6 Q. You will agree with me that the actor</p> <p>7 in the video we just played is the same actor</p> <p>8 in the video from PA Progress?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Did you make the video I just played?</p> <p>11 A. I did.</p> <p>12 Q. This article says it was posted on the</p> <p>13 Louisiana First Facebook page. Do you see</p> <p>14 this?</p> <p>15 A. Yes.</p> <p>16 Q. Did you create content for that page?</p> <p>17 A. I did.</p> <p>18 Q. I am showing you what is marked --</p> <p>19 well, it is Bates stamp Cedar Fork 11. I think</p> <p>20 everyone remembers we marked this in Kurt</p> <p>21 Merriweather's deposition so I am not going to</p> <p>22 mark it in this one. This is your address on</p> <p>23 the top corner, Nick?</p> <p>24 A. That was at the time, yes, sir.</p>

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<p>1 Q. Fair enough. Do you recall this</p> <p>2 document?</p> <p>3 A. Yeah, I do.</p> <p>4 Q. It says, the second line is half of</p> <p>5 Louisiana trip expenses June 2017, Bayou Bridge</p> <p>6 Pipeline, and the total is \$400?</p> <p>7 A. Right.</p> <p>8 Q. Is that a trip to Louisiana?</p> <p>9 A. I did go to Louisiana, yes, sir.</p> <p>10 Q. In June of 2017 the first line says it</p> <p>11 is for ETP/DAPL. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. In June of 2017, if you recall, was</p> <p>14 there any ongoing protests or demonstration</p> <p>15 against the building of the pipeline in South</p> <p>16 Dakota?</p> <p>17 A. I think in item description sometimes</p> <p>18 when I would put together an invoice, there</p> <p>19 were clearly errors in the item descriptions.</p> <p>20 There would be -- I would forget to change the</p> <p>21 description for that month or clearly I did</p> <p>22 because I was not working on anything in North</p> <p>23 Dakota in June.</p> <p>24 Q. What about the ETP part of it?</p>	<p>1 A. As well, I think the item description</p> <p>2 is incorrect.</p> <p>3 Q. What did you think -- sorry, go ahead.</p> <p>4 A. I was done.</p> <p>5 Q. Okay. Sometimes it is a little harder</p> <p>6 to recognize when somebody is finished over</p> <p>7 Zoom versus being live. I didn't mean to cut</p> <p>8 off, I apologize.</p> <p>9 How would you change this first item</p> <p>10 description to make it accurate?</p> <p>11 A. I honestly don't remember June of 2017,</p> <p>12 I don't remember exactly what I was doing.</p> <p>13 Q. We looked before at a payment that was</p> <p>14 made to you by Cedar Fork for \$12,750. Do you</p> <p>15 recall that?</p> <p>16 A. Yes, sir, I do. Again, the item</p> <p>17 descriptions and the invoice don't match with</p> <p>18 what I was working on. I would -- I think what</p> <p>19 was most important was that I would just</p> <p>20 essentially bill him, and the description I</p> <p>21 wasn't always -- it wasn't always accurate</p> <p>22 representation of what I was exactly doing that</p> <p>23 month.</p> <p>24 Q. Okay. The \$12,750 check, I don't know</p>
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<p>1 if you can read the memo line, right around my</p> <p>2 cursor. Hold on.</p> <p>3 A. I cannot read that, what it says.</p> <p>4 Q. Okay. I can tell you what I think it</p> <p>5 says, but I don't know if that is helpful.</p> <p>6 A. It might be, if you zoomed in or</p> <p>7 something I could maybe, I can't read it.</p> <p>8 Okay, yeah, yep.</p> <p>9 Q. Okay. What does it say?</p> <p>10 A. 2017 June, I am guessing services is</p> <p>11 what that is suppose to say.</p> <p>12 Q. So it says SVCS, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. This is an invoice dated --</p> <p>15 sorry, now we are back on Cedar Fork 16. Can</p> <p>16 you see that?</p> <p>17 A. Yes.</p> <p>18 Q. It is an invoice dated 6/10/17?</p> <p>19 A. Yeah, again, number 1, the item</p> <p>20 descriptions didn't always match and the pay so</p> <p>21 just because I was paid something for June</p> <p>22 doesn't mean it was for something I did in</p> <p>23 June.</p> <p>24 So if I received in check in June,</p>	<p>1 sometimes it would be for something that had</p> <p>2 been done previously. Sometimes the invoices</p> <p>3 don't match up with it.</p> <p>4 My goal was basically just to bill out</p> <p>5 for the month, and I was paid at some point</p> <p>6 afterwards. So you are trying to draw a</p> <p>7 connection between all of these, and we could</p> <p>8 go through these and it probably will confuse</p> <p>9 you, and I won't remember a lot of the details.</p> <p>10 Q. I recognize what you are saying, but I</p> <p>11 am not trying to get too far into the weeds</p> <p>12 with that, but on this invoice that says month</p> <p>13 of May 2017 for ETP/DAPL. Is it your testimony</p> <p>14 that ETP/DAPL is inaccurate?</p> <p>15 A. I honestly don't remember. I honestly</p> <p>16 don't. Can we take like one minute so I can go</p> <p>17 use the rest room and come right back?</p> <p>18 Q. Whatever you need to do.</p> <p>19 (Whereupon a short recess was</p> <p>20 taken.)</p> <p>21 BY MR. MARKOS:</p> <p>22 Q. I think we were on Cedar Fork 16</p> <p>23 before, the screen that is up now. There is</p> <p>24 another invoice for 12,750, but we will go</p>

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<p>1 through this real quick. Well, let me start</p> <p>2 here. Now I am up on Cedar Fork 7. Nick, the</p> <p>3 invoice is for both DAPL and Momenive. Do you</p> <p>4 see that?</p> <p>5 A. I do.</p> <p>6 Q. Can you tell me what Momenive is?</p> <p>7 A. I don't remember exactly. I don't have</p> <p>8 enough information that I would be able to give</p> <p>9 you an answer I would be comfortable with.</p> <p>10 Q. Do you see this next invoice, Cedar</p> <p>11 Fork 8, it says for ETP/DAPL?</p> <p>12 A. I see it, yes.</p> <p>13 Q. The Next invoice says it is for a</p> <p>14 contract with TigerSwan. Do you see that?</p> <p>15 A. I see that, yes.</p> <p>16 Q. Is that accurate?</p> <p>17 A. I didn't have a contract with</p> <p>18 TigerSwan.</p> <p>19 Q. Why would you write that on your</p> <p>20 invoice?</p> <p>21 A. Because Kurt did.</p> <p>22 Q. Do you know if Kurt had a contract with</p> <p>23 TigerSwan?</p> <p>24 A. I don't know for sure.</p>	<p>1 Q. Did you believe he did?</p> <p>2 A. I did believe that he did, but I don't</p> <p>3 know. I don't know what his relationship was</p> <p>4 with them.</p> <p>5 Q. Again, so on this next invoice, Cedar</p> <p>6 Fork 10, it says first half of contract with</p> <p>7 TigerSwan. That's something that Kurt</p> <p>8 Merriweather would have written, not you?</p> <p>9 A. No, I wrote that. And again, a lot of</p> <p>10 the invoices may have -- when I was going to</p> <p>11 write the next month sometimes I would take</p> <p>12 stuff out and sometimes the description was</p> <p>13 off, so you can't take what it says on there</p> <p>14 for what actually happened unfortunately.</p> <p>15 Like when I was going through and</p> <p>16 filling out invoices sometimes I wouldn't</p> <p>17 change a date or I wouldn't change something, I</p> <p>18 just overlooked it. So you have to understand</p> <p>19 that.</p> <p>20 If you are going to try to pin down</p> <p>21 exactly what I was doing month by month based</p> <p>22 on what the invoice says it is not going to</p> <p>23 match up.</p> <p>24 Q. Some months you were working on --</p>
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<p>1 MR. LAVERY: I am going to object</p> <p>2 to the form of the question, what I heard of</p> <p>3 the question at this point frankly.</p> <p>4 BY MR. MARKOS:</p> <p>5 Q. Let me get a sense of a scope of these,</p> <p>6 they go a little bit into '16 but mostly in</p> <p>7 '17, okay?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Your attorney has these documents.</p> <p>10 During the period of time that you were</p> <p>11 submitting invoices to Cedar Fork Partners at</p> <p>12 some point during that period of time you were</p> <p>13 performing work pursuant to a contract with</p> <p>14 TigerSwan; is that accurate?</p> <p>15 MR. LAVERY: Object to form.</p> <p>16 BY MR. MARKOS:</p> <p>17 Q. If you understand the question you can</p> <p>18 answer.</p> <p>19 A. You would have to say the question</p> <p>20 again.</p> <p>21 Q. Did the invoices cover a period from</p> <p>22 into '16 into '17, I am not saying it is 24</p> <p>23 months, but in that time period were you</p> <p>24 performing this work that you were paid by</p>	<p>1 Cedar Fork Partners for pursuant to a contract</p> <p>2 with TigerSwan?</p> <p>3 MR. LAVERY: Object to form.</p> <p>4 THE WITNESS: I don't feel</p> <p>5 comfortable answering that. There is</p> <p>6 objections and I don't know what all this</p> <p>7 means.</p> <p>8 MR. GERBER: You can answer it if</p> <p>9 you understand it, Nick, there is an objection.</p> <p>10 THE WITNESS: Yeah, I really don't</p> <p>11 understand the way you are phrasing the</p> <p>12 question.</p> <p>13 BY MR. MARKOS:</p> <p>14 Q. Were you working for TigerSwan in 2016</p> <p>15 or '17?</p> <p>16 A. No, sir.</p> <p>17 Q. Was Cedar Fork hired by TigerSwan in</p> <p>18 2016 or '17?</p> <p>19 MR. LAVERY: Object to form. If</p> <p>20 you know.</p> <p>21 BY MR. MARKOS:</p> <p>22 Q. Did you answer?</p> <p>23 A. I did not answer. I don't know the</p> <p>24 answer to your question.</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. I am going back to the, what I 2 identified as Exhibit 7. Can you read what I 3 highlighted? Is it easier for you to read it 4 without the highlight? 5 A. No, it is fine, you can leave it like 6 that. Okay, I have read it. 7 Q. So the sentence in the middle or 8 towards the end, one of the contractors said 9 Johnson worked with Rice in the TigerSwan 10 offices at times. Do you see that? 11 A. Yes. 12 Q. Is that statement accurate? 13 A. That statement is accurate, yes. 14 Q. Was it the TigerSwan office in Apex, 15 North Carolina or an office in North Dakota or 16 South Dakota? 17 A. It was in Apex. 18 Q. Okay. When, like what years would you 19 have been seen working in the Apex TigerSwan 20 office? 21 A. It would have been 2017. 22 Q. Okay. The other part of the statement 23 that you were working with Rice, Robert Rice, 24 there, that is accurate as well?</p>	<p style="text-align: right;">Page 83</p> <p>1 A. Which statement? 2 Q. It is in the same sentence, Johnson 3 worked with Rice in the TigerSwan office at 4 times. 5 A. That statement is an accurate statement 6 in its entirety. 7 Q. It is an accurate? 8 A. Yes, yes, sir. 9 Q. Ban accurate can sound like the same 10 thing as inaccurate. 11 A. Okay. 12 Q. Thank you. We are back on these 13 invoices. Going back to the top again. 14 MR. LAVERY: When you go to the 15 invoice, Chris, can you please just note what 16 the Bates number is on it, so I have it. 17 MR. MARKOS: I am trying Frank, but 18 yeah. 19 MR. LAVERY: I know you are. 20 BY MR. MARKOS: 21 Q. This is Cedar Fork 7, do you see the 22 reference to DAPL; do you see that this 23 document refers to DAPL? 24 A. Are you asking me?</p>
<p style="text-align: right;">Page 84</p> <p>1 Q. Yeah. 2 A. Oh, I thought you were asking them. 3 Yes, I do see that. 4 Q. Okay. In 2017 did you understand that 5 DAPL was a project of Energy Transfer Partners? 6 A. Yes. 7 Q. Cedar Fork 8, it jumps a little bit in 8 time, August 2017 according to the paper, I 9 recognize what you said about trying to line up 10 dates, but this again references DAPL but also 11 references ETP. Do you see that, it says ETP 12 there? 13 A. Yes. 14 Q. I feel like we kind of danced around it 15 a little bit, but you never had discussions 16 with anybody at or from ETP about the work that 17 you were doing that you were getting paid for 18 pursuant to these invoices? 19 A. I never spoke or met with anybody, a 20 single person at ETP. 21 Q. Okay. Do you know the name Frank 22 Recknagel? 23 A. I never heard that name before. 24 Q. You said you never heard of him before?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I never heard that name. 2 Q. Can you tell me why a number of these 3 invoices reference ETP? 4 A. ETP, there was some work that I did 5 that involved the Dakota Access Pipeline. 6 Q. Is that the only reason ETP is 7 referenced in any of these invoices including 8 this August 2017 invoice? 9 A. Again, I was talking over invoices that 10 have odd descriptions that were from previous 11 months that I overlooked and was essentially -- 12 the total amount was what I was more focused on 13 than anything else on the invoice. 14 Q. You are familiar with what the Mariner 15 East II pipeline is, right? 16 A. Somewhat. 17 Q. And the Mariner East 2X? 18 A. No, I don't know what that is. 19 Q. It confuses me, too. Do you know who 20 is building the Mariner East II pipeline? 21 A. I don't. I haven't paid attention to 22 that since it has been five or six years since 23 I knew anything about that. 24 Q. Do you recall ever having conversations</p>

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<p>1 with Kurt Merriweather about the work that you 2 were doing on Mariner East II? 3 A. I don't remember exact conversations. 4 Q. But was that a topic of a conversation 5 with him? 6 A. It would have been. 7 Q. At the time did you have an 8 understanding just as ETP was behind that who 9 was behind Mariner East II? 10 A. I probably did at the time. 11 Q. Today you don't recall what that? 12 A. I don't, I don't. I don't know if it 13 is built, I don't know anything about it. 14 Q. Who did you go to Louisiana with? 15 A. By myself. 16 Q. What did you do there? 17 A. Drove around looking for protestors. 18 Q. I move to Cedar Fork 11. That expense 19 references the Bayou Bridge Pipeline. Were the 20 protestors protesting the Bayou Bridge Pipeline 21 that you were looking for? 22 A. Yes. 23 Q. Do you know who was building the Bayou 24 Bridge Pipeline?</p>	<p>1 A. I don't. 2 Q. Would it surprise you to know that ETP 3 was involved in both the Bayou Bridge Pipeline 4 and the Mariner East II Pipeline? 5 A. I don't have an opinion on that. 6 Q. Okay. Do you have any recollection if 7 the original complaint in this case from 8 September 2017 was delivered to your home by 9 UPS? 10 A. I don't understand your question. I 11 didn't hear most of it, what, sorry? 12 Q. Was a copy of the original complaint 13 filed in September 2017 in this case delivered 14 to your home by UPS? 15 A. I don't remember. 16 Q. Do you recall how, we went over it a 17 little bit before, give me one second. 18 (Whereupon proof of service was 19 marked for identification as Exhibit-8.) 20 BY MR. MARKOS: 21 Q. Can you see this proof of service, do 22 you see that? 23 A. You are on the wrong screen. Yes. 24 Q. Who is Kim Crane?</p>
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<p>1 A. Kim Crane is my partner. 2 Q. On February 13, 2018 you were living at 3 313 Forbush Mountain Drive? 4 A. I think, I don't remember. 5 Q. Were you separated from Kim at that 6 time? 7 A. I am not going to discuss that, that is 8 not... 9 Q. I don't want to get into your personal 10 affairs. The question is just if this was your 11 house? 12 A. Yeah, I honestly don't remember 13 exactly. I would -- that sound about right, 14 but I don't know exactly when I moved. That is 15 my answer. 16 Q. Okay. No, that is fair enough, I don't 17 need to get into stuff that has nothing do with 18 this. Did she hand you a copy of the complaint 19 at some point around February of 2018? 20 A. Did she? 21 Q. Kim Crane. 22 A. No. 23 Q. How did you get it then, that is what I 24 am trying to figure out.</p>	<p>1 A. I believe an individual chucked it out 2 the window when he was driving by when Kim was 3 coming home from the store, and I ended up 4 finding it in the road. 5 Q. Okay. Had you seen that individual 6 before? 7 A. I didn't see anybody, nobody saw 8 anybody. 9 Q. What I am trying to ask, I don't have 10 to go that far into it, were you trying to 11 avoid being served with the complaint after it 12 was filed? 13 A. No. 14 Q. I asked you those questions about Grant 15 Stewart, but besides whatever that article said 16 did you ever encourage people to go to the 17 Gerhart property? 18 A. No, I don't remember doing that. 19 Q. Fair enough. I have to find something 20 again so bear with me. I am not sure if this 21 was marked before, so I will mark it. 22 (Whereupon Camp White Pine cheat 23 sheet was marked for identification as Exhibit 24 9.)</p>

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<p>1 BY MR. JOHNSON:</p> <p>2 Q. Do you see Camp White Pine cheat sheet?</p> <p>3 A. I do see this, yes, sir.</p> <p>4 Q. Can you read it or is it rainy?</p> <p>5 A. I can read it.</p> <p>6 Q. It is three pages long, so I want you</p> <p>7 to have an opportunity to look at it before I</p> <p>8 scroll down. Before I ask you questions about</p> <p>9 it, tell me if you need me to scroll down?</p> <p>10 A. Are you wanting me to tell you -- are</p> <p>11 you going to scroll the whole time so am I</p> <p>12 going to tell you yes when I'm done reading it?</p> <p>13 Q. Yeah.</p> <p>14 A. You can keep going. Okay. Okay.</p> <p>15 Okay. Okay. Okay.</p> <p>16 Q. I think everything else is the same</p> <p>17 thing now.</p> <p>18 A. Yeah, got it.</p> <p>19 Q. Did you post this cheat sheet on Camp</p> <p>20 White Pine? I am sorry, did you post the cheat</p> <p>21 sheet on PA Progress?</p> <p>22 A. I can't remember.</p> <p>23 Q. Did you either yourself or with</p> <p>24 assistance compile the cheat sheet?</p>	<p>1 A. I do remember working on this, yes,</p> <p>2 sir.</p> <p>3 Q. Where did the images come from?</p> <p>4 A. I have no idea, I don't remember.</p> <p>5 Q. Let me be more specific, Kari</p> <p>6 Smitherman, do you know where this image of her</p> <p>7 came from?</p> <p>8 A. I don't.</p> <p>9 Q. Sparrow, two down from her?</p> <p>10 A. I don't.</p> <p>11 Q. The gray VW hatchback?</p> <p>12 A. I don't remember where that came from.</p> <p>13 Q. Gray Toyota Prius, right above it.</p> <p>14 A. I don't know where that came from.</p> <p>15 Q. White Pickup truck, second from the</p> <p>16 bottom?</p> <p>17 A. I don't know where that came from</p> <p>18 either.</p> <p>19 Q. Gerhart driveway?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Who did you work on this with?</p> <p>22 A. I don't remember exactly who helped,</p> <p>23 but I do remember that Robert Rice assisted me,</p> <p>24 but I don't remember exactly who else was</p>
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<p>1 involved or what people's roles were in that.</p> <p>2 Q. Do you know how you knew or how this</p> <p>3 cheat sheet, why the cheat sheet says that Kari</p> <p>4 Smitherman has Lyme disease?</p> <p>5 A. I think she posted that she had it on</p> <p>6 her social media profile. I think all this</p> <p>7 stuff was taken from public information, it was</p> <p>8 either on their social media profile or it was</p> <p>9 public information.</p> <p>10 Q. By this stuff you mean the text?</p> <p>11 A. The text would have been, photos I</p> <p>12 don't know where they came from, I don't</p> <p>13 remember where those came from.</p> <p>14 Q. Do you have the original photos?</p> <p>15 A. I do not.</p> <p>16 Q. Did you at some point?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you remember how you saw them?</p> <p>19 let me ask that question a little easier to</p> <p>20 answer. Did you see the photo just as a</p> <p>21 picture, like a print or did you see it as an</p> <p>22 attachment to an email?</p> <p>23 A. I don't remember.</p> <p>24 Q. Are you still in touch with Robert</p>	<p>1 Rice?</p> <p>2 A. No.</p> <p>3 Q. Is there a reason?</p> <p>4 A. That is not relevant to this.</p> <p>5 Q. Okay. Do you have contact information</p> <p>6 for him?</p> <p>7 A. I do.</p> <p>8 Q. Do you have an email address?</p> <p>9 A. I don't know if I have his email.</p> <p>10 Q. Do you have his phone number?</p> <p>11 A. I do.</p> <p>12 Q. I understand if you haven't talked to</p> <p>13 him in a while you may not know if anything is</p> <p>14 correct. Do you have an address where he might</p> <p>15 live?</p> <p>16 A. I don't.</p> <p>17 Q. Did you ever?</p> <p>18 A. Yes.</p> <p>19 Q. When was the last time you knew his</p> <p>20 address?</p> <p>21 A. I don't know if I knew his address. I</p> <p>22 knew where he lived. I mean, I knew where he</p> <p>23 lived, so I haven't been -- that is the end of</p> <p>24 my answer.</p>

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<p>1 Q. I understand. Have you spoken to him</p> <p>2 about this case?</p> <p>3 A. At the very beginning when the case was</p> <p>4 filed we did speak briefly about, you know, did</p> <p>5 you read the complaint, yes, and that was</p> <p>6 pretty much it.</p> <p>7 Q. Just the one conversation?</p> <p>8 A. Yeah.</p> <p>9 Q. Did you have any other conversations</p> <p>10 with anybody else besides a lawyer about the</p> <p>11 case? Just to be clear I don't want -- I am</p> <p>12 not asking about any conversations with a</p> <p>13 lawyer, something you?</p> <p>14 A. Yeah, I don't remember.</p> <p>15 Q. Did you ever talk with Kurt</p> <p>16 Merriweather about the complaint?</p> <p>17 A. I did briefly, I think I -- briefly.</p> <p>18 Q. What did you talk about?</p> <p>19 A. I don't remember.</p> <p>20 Q. Would it have been around the time the</p> <p>21 complaint was filed?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you know anybody named Derek Borrer?</p> <p>24 A. I do know who that is.</p>	<p>1 Q. Do you know anybody named Delaney</p> <p>2 Borrer?</p> <p>3 A. I do not know who that is.</p> <p>4 Q. Do you know if Robert Rice knows who</p> <p>5 Derek Borrer is?</p> <p>6 A. You would have to ask him.</p> <p>7 Q. Okay. You've never seen them talking</p> <p>8 before, for instance?</p> <p>9 A. I don't recall.</p> <p>10 Q. Okay. Do you know who James Marks is?</p> <p>11 A. No.</p> <p>12 Q. His nickname is Spider apparently?</p> <p>13 A. I don't know who that is.</p> <p>14 Q. Besides, you know, calling existing</p> <p>15 social media were you --</p> <p>16 MR. GERBER: You are breaking up.</p> <p>17 BY MR. MARKOS:</p> <p>18 Q. Besides calling existing social media,</p> <p>19 were you provided with information from</p> <p>20 individuals that you used to make your PA</p> <p>21 Progress contact?</p> <p>22 A. I do recall one time.</p> <p>23 Q. What was the one time?</p> <p>24 A. I was given a photo by Robert and I</p>
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<p>1 used in a post, but I don't remember what the</p> <p>2 context was or when it was or who it was or who</p> <p>3 gave it to who, that is all I remember.</p> <p>4 Q. Okay. Did you ever like personally</p> <p>5 engage with PA Progress followers, direct</p> <p>6 messages on Facebook?</p> <p>7 A. Yes, there were a couple people that</p> <p>8 had messaged the page that were neighbors. I</p> <p>9 do recall they were very concerned about the</p> <p>10 possibility of -- they expressed their views on</p> <p>11 hey, we agree with this page, we don't like</p> <p>12 this family, we don't -- thank you for posting</p> <p>13 the truth was essentially what people were</p> <p>14 sending to the page, was the main conversation</p> <p>15 that was coming. It was all one way from what</p> <p>16 I can remember, people that were messaging the</p> <p>17 page says similar things.</p> <p>18 Q. Do you have copies of those</p> <p>19 communications?</p> <p>20 A. I did, I think I screenshotted a few of</p> <p>21 them, and I think my lawyer has them.</p> <p>22 Q. Okay.</p> <p>23 A. But I don't recall exactly right now</p> <p>24 what the context was, but I do remember</p>	<p>1 screenshotting that stuff.</p> <p>2 Q. Was PA Progress only on Facebook or did</p> <p>3 it have a presence on like Instagram or</p> <p>4 anything else?</p> <p>5 A. I don't know if Instagram existed back</p> <p>6 then.</p> <p>7 Q. I don't either. In 2017,</p> <p>8 approximately, did Robert Rice live near you in</p> <p>9 North Carolina?</p> <p>10 A. Define near.</p> <p>11 Q. Driving distance.</p> <p>12 A. Sure, yeah.</p> <p>13 Q. You said that you did collaborate from</p> <p>14 time to time on certain PA Progress posts,</p> <p>15 right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. So would that collaboration happen in</p> <p>18 person or online?</p> <p>19 A. Both.</p> <p>20 Q. Would it happen over the phone?</p> <p>21 A. I don't remember.</p> <p>22 Q. The online collaboration, would that be</p> <p>23 via email?</p> <p>24 A. Probably not too much.</p>

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<p style="text-align: right;">Page 98</p> <p>1 Q. How would you collaborate online then?</p> <p>2 A. You know, online, I don't think there</p> <p>3 was a lot of online collaboration.</p> <p>4 Q. Was there not a lot or none?</p> <p>5 A. I don't remember exactly how much, but</p> <p>6 I don't remember a lot. It was primarily on</p> <p>7 the phone or in person.</p> <p>8 Q. If you were working, you know, online</p> <p>9 together how would you go about that?</p> <p>10 A. Again, you know, when you originally</p> <p>11 asked the question I did say, yes, it was</p> <p>12 online and on the phone, but now that you are</p> <p>13 asking me to qualify what online means I would</p> <p>14 have to take my answer back and say actually</p> <p>15 now that you are trying to get me to qualify</p> <p>16 what online means I don't think there was a lot</p> <p>17 of online communication.</p> <p>18 Q. Okay. In other words, I guess, is it</p> <p>19 fair to say that most of your interaction with</p> <p>20 Robert Rice with respect to PA Progress</p> <p>21 happened either face to face or over the phone?</p> <p>22 A. That is fair for you to say.</p> <p>23 Q. Okay. And is the reason that is so was</p> <p>24 you were directed to meet in person or over the</p>	<p style="text-align: right;">Page 99</p> <p>1 phone but not to create any written records?</p> <p>2 A. No.</p> <p>3 Q. Is that your normal operating procedure</p> <p>4 to not have like a paper trail for lack of a</p> <p>5 better word?</p> <p>6 A. I think that is assuming and</p> <p>7 presumptive. A leading question, so I am not</p> <p>8 going to answer that.</p> <p>9 MR. LAVERY: Mostly I will object</p> <p>10 to the form of that question as well, it is</p> <p>11 without foundation.</p> <p>12 BY MR. MARKOS:</p> <p>13 Q. My question is, is normal procedure</p> <p>14 doing this social media work to meet face to</p> <p>15 face or over the phone as opposed to via email?</p> <p>16 MR. LAVERY: Again, my objection</p> <p>17 stands simply because this type of work, social</p> <p>18 media work, these are very, very broad,</p> <p>19 overbroad terms.</p> <p>20 I don't know if there is a norm for</p> <p>21 social media, people do all sorts of things for</p> <p>22 social media creation. That is the basis of</p> <p>23 the objection, it is a form objection.</p> <p>24 MR. MARKOS: Okay.</p>
<p style="text-align: right;">Page 100</p> <p>1 BY MR. MARKOS:</p> <p>2 Q. If it is a question you are not able to</p> <p>3 answer I will try to do better.</p> <p>4 A. I would just say it just depends on</p> <p>5 what I am doing. Sometimes you meet somebody</p> <p>6 in person a lot, sometimes they want to email a</p> <p>7 lot, sometimes, I mean, it didn't really -- it</p> <p>8 was no pattern to when you work with somebody,</p> <p>9 just like, you know, sometimes communication is</p> <p>10 done in certain ways. In this case I don't</p> <p>11 remember exactly why or how we communicated,</p> <p>12 but I do remember a lot of it was on the phone</p> <p>13 or in person. That is as good of an answer you</p> <p>14 are going to get.</p> <p>15 Q. Do you have an understanding of what</p> <p>16 the term cyberbullying is?</p> <p>17 A. I do, yeah.</p> <p>18 Q. I don't know if you have kids, but if</p> <p>19 you do have you explained that to them?</p> <p>20 A. I am not going to answer that question.</p> <p>21 Q. I just want to know what you would tell</p> <p>22 them cyberbullying is?</p> <p>23 A. Again, when you asked before what my</p> <p>24 definition of anarchist is, I don't feel</p>	<p style="text-align: right;">Page 101</p> <p>1 comfortable coming up with a definition on the</p> <p>2 spot for the term you are using.</p> <p>3 Q. Have you ever warned your children, and</p> <p>4 again, I still don't know if you have children,</p> <p>5 you can tell me you don't, that can be the end</p> <p>6 of it?</p> <p>7 A. I don't have kids.</p> <p>8 Q. Okay. Do you have nieces and nephews?</p> <p>9 A. That is not relevant to this.</p> <p>10 Q. It is relevant to my question, my next</p> <p>11 question.</p> <p>12 A. I don't want to answer that question.</p> <p>13 Q. Have you ever counseled any niece or</p> <p>14 nephew on what cyberbullying is and how to</p> <p>15 avoid it?</p> <p>16 MR. GERBER: I think we are getting</p> <p>17 a little far afield, why don't you move into</p> <p>18 another area.</p> <p>19 MR. MARKOS: We are not getting far</p> <p>20 afield. State of mind is an element of the</p> <p>21 claim in this case.</p> <p>22 MR. GERBER: I don't want to</p> <p>23 dispute, you know, I don't want to argue with</p> <p>24 you, but if you are going to start to ask him</p>

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<p>1 about his family and how he might counsel them, 2 I think we are getting outside of the scope 3 here. I think you can get it through other 4 means. 5 He is not comfortable talking about 6 family, and frankly I am not either. I don't 7 think the court would either, but, you know, I 8 understand what you are trying to get at, I 9 think you can ask it a different way. 10 BY MR. MARKOS: 11 Q. Have you counseled any minor, somebody 12 under the age of 18, about what cyberbullying 13 is? 14 A. I have not. 15 Q. What about an adult? 16 A. I don't remember, I don't know. 17 Q. You were present during both sessions 18 of Elise Gerhart's deposition; is that right? 19 A. I was on, yes, I was. 20 Q. Okay. Do you recall her testimony 21 about what she perceived to be threats that 22 were made to her via social media? 23 A. I don't remember exactly what she said. 24 Q. Okay. What she exactly said is not</p>	<p>1 important to the question I am trying to ask 2 you, but is it fair to say that the spirit of 3 what she said was that she received threats of 4 harm via social media, if you recall? 5 MR. GERBER: I just have to object 6 to the form. I mean, the spirit of what she 7 said, Chris, she said what she said. 8 MR. MARKOS: I want to know when he 9 became aware of that fact, if he was aware of 10 that fact before her deposition, that is all. 11 MR. GERBER: Which fact, aware of 12 what fact? 13 MR. MARKOS: That she claims that 14 she was the recipient of threats and harm via 15 social media. 16 MR. GERBER: So if your question is 17 when did you first learn that Elise Gerhart 18 claimed she received threats. 19 MR. MARKOS: Yeah, you can answer 20 that question. 21 MR. GERBER: Nick, do you 22 understand the question? 23 THE WITNESS: Probably when she 24 expressed that on the deposition.</p>
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<p>1 BY MR. MARKOS: 2 Q. Okay. Have you reviewed any of the 3 discovery that was provided to you in this case 4 by Elise, you, yourself? 5 A. Some of or all of? 6 Q. Any of. 7 A. I did look at some of it, yes. 8 Q. What I am showing you now should be a 9 screenshot of the PA Progress video. Do you 10 see that? 11 A. I do. 12 Q. It is Bates stamp Gerhart 67, it was 13 part of our initial disclosures in this case. 14 Do you see the comment from David Boles? 15 A. I do. 16 Q. Let me ask a more general question. 17 So, if you know, if you are, PA Progress or any 18 other Facebook page, if somebody shares your 19 post do you see the discussion on the shared 20 post? 21 A. I don't know, I don't remember. I am 22 not on Facebook anymore, ever anymore. I don't 23 remember how -- I haven't managed the page in a 24 long time so the answer is no, I don't know.</p>	<p>1 Q. That is fine, I don't know either. 2 Have you ever seen this comment before? 3 A. No. 4 Q. Do you know or do you remember if any 5 other connections to Russia were asserted about 6 Elise Gerhart or Camp White Pine? PA Progress, 7 I am sorry. 8 A. I don't remember. 9 Q. See the original version of the 10 submission? 11 A. I do see this, yes. 12 Q. So this is the second amended 13 complaint. Do you see paragraph 165? 14 A. I do. 15 Q. Tell me when you have read it? 16 A. Okay. I have read it. 17 Q. I am going to switch documents to the 18 answer filed on your behalf. Do you see the 19 new paragraph 165 now? 20 A. I can see 156, yes, I can see that. 21 Q. It says admitted in part denied in 22 part? 23 A. Yes, sir. 24 Q. That is the answer filed on your behalf</p>

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<p>1 in this case. Tell me when you read the other</p> <p>2 165.</p> <p>3 A. I have read that, yes.</p> <p>4 Q. It is also admitted that she stated</p> <p>5 that she associated with criminals which was</p> <p>6 truthful. Do you see where I am reading?</p> <p>7 A. Yes, I do.</p> <p>8 Q. The page stated she was associated with</p> <p>9 criminals. Is it truthful that the page stated</p> <p>10 that or truthful that she associated with</p> <p>11 criminals?</p> <p>12 A. I would say I don't remember the</p> <p>13 connection that the page made at the time now,</p> <p>14 so I can't answer this without seeing what the</p> <p>15 context is for either one of these.</p> <p>16 Q. Sitting here today you can't recall any</p> <p>17 connection she has with any or any --</p> <p>18 A. That is not what I am saying, no. I am</p> <p>19 saying I don't know what part of the page you</p> <p>20 are saying associated her with criminals.</p> <p>21 Q. Okay. The answer that we are looking</p> <p>22 at says that it is truthful that she associated</p> <p>23 with criminals, right?</p> <p>24 A. Yes.</p>	<p>1 Q. So what is the basis for the statement</p> <p>2 that she associated with criminals?</p> <p>3 A. Oh, I get you, okay. So at the time</p> <p>4 there are probably more connections, the one</p> <p>5 that comes to mind is the fact that, again, I</p> <p>6 keep mentioning that she was communicating</p> <p>7 with, you know, people who were known pipeline</p> <p>8 saboteurs, and I read her circle, we are</p> <p>9 hanging out with people who were breaking the</p> <p>10 law.</p> <p>11 Q. Do you know who any of those people</p> <p>12 specifically are?</p> <p>13 A. Yeah, again, the one I know of for sure</p> <p>14 was the Dan guy who was running around with a</p> <p>15 bunch of people who were hanging out with</p> <p>16 criminals, federal crimes, people that were</p> <p>17 blowing things up. That is what comes to mind</p> <p>18 first. That is where that started from.</p> <p>19 Q. Was Dan a criminal?</p> <p>20 A. Dan was associating with criminals, and</p> <p>21 Dan was one of the, you know, mentioned a lot</p> <p>22 on the page and was doing interviews with her,</p> <p>23 and were like there all the time, so we made</p> <p>24 that connection. He was a member of Camp White</p>
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<p>1 Pine.</p> <p>2 Q. I understand your answer. If you know,</p> <p>3 what was the purpose for PA Progress to</p> <p>4 publicize what you say is Elise's association</p> <p>5 with criminals?</p> <p>6 A. Say the question again.</p> <p>7 Q. For what purpose did PA Progress</p> <p>8 publicize the assertion that Elise associated</p> <p>9 with criminals?</p> <p>10 A. I don't remember now.</p> <p>11 Q. Rather than take a break for lunch, I</p> <p>12 don't think I have a whole lot more, but let me</p> <p>13 take five or so minutes, I am going to talk to</p> <p>14 Rich.</p> <p>15 MR. GERBER: Okay.</p> <p>16 MR. MARKOS: And we might be able</p> <p>17 to wrap up pretty soon.</p> <p>18 MR. GERBER: Sounds good to me.</p> <p>19 Nick, are you okay?</p> <p>20 THE WITNESS: Yeah, if you are</p> <p>21 going to be a half hour fine, if it is going to</p> <p>22 be another hour maybe like a half hour break.</p> <p>23 I can go another half hour, 45 at the most, but</p> <p>24 then I will need to get something to eat.</p>	<p>1 MR. MARKOS: I will have an idea</p> <p>2 how much time I need, and if it is that much</p> <p>3 time we can take a break.</p> <p>4 THE WITNESS: Okay.</p> <p>5 (Whereupon a short recess was</p> <p>6 taken.)</p> <p>7 BY MR. MARKOS:</p> <p>8 Q. Did you obtain a copy of the Gerhart's</p> <p>9 deed to their property in Huntingdon County in</p> <p>10 2017?</p> <p>11 A. I think I -- I don't recall exactly the</p> <p>12 details on that.</p> <p>13 Q. I know it is an inarticulate question,</p> <p>14 I am wondering was it given to you or did you</p> <p>15 go and get it?</p> <p>16 A. The Gerharts deed was -- I think it is</p> <p>17 public information, I think I Googled it.</p> <p>18 Q. In the last month since 2017 have you</p> <p>19 had a GoDaddy account?</p> <p>20 A. GoDaddy. What is GoDaddy?</p> <p>21 Q. It is a bio website I guess.</p> <p>22 A. I don't know. No, I don't have a</p> <p>23 GoDaddy account. I don't even know what that</p> <p>24 is.</p>

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<p style="text-align: right;">Page 110</p> <p>1 Q. Godaddy.com specifically?</p> <p>2 A. I don't have a GoDaddy account. No.</p> <p>3 Q. That is it for me, but I can't promise</p> <p>4 you somebody else may want to talk to you.</p> <p>5 MR. GERBER: Anybody?</p> <p>6 MR. LAVERY: I just have one or two</p> <p>7 to follow up Chris, and then I am finished.</p> <p>8 ----</p> <p>9 EXAMINATION</p> <p>10 ----</p> <p>11 BY MR. LAVERY:</p> <p>12 Q. Nick, my name is Frank Lavery, I</p> <p>13 represent TigerSwan. First of all, have you</p> <p>14 and I ever met before?</p> <p>15 A. No, sir.</p> <p>16 Q. I just want to clarify one thing that</p> <p>17 you said before. You said that there was not a</p> <p>18 contract between you and TigerSwan, did I hear</p> <p>19 your testimony correct on that?</p> <p>20 A. Yes, that's correct.</p> <p>21 Q. Okay. I just want to make sure we know</p> <p>22 what we are talking about. So with respect to</p> <p>23 no contract between you and TigerSwan, that</p> <p>24 would be for the Pennsylvania Progress website</p>	<p style="text-align: right;">Page 111</p> <p>1 or any of the social media work that was done</p> <p>2 with respect to the Gerharts, am I correct?</p> <p>3 A. You are correct.</p> <p>4 Q. That is all I have, sir, thank you very</p> <p>5 much for your time.</p> <p>6 MR. GERBER: Chris, all done?</p> <p>7 MR. MARKOS: I am all done.</p> <p>8 MS. HULL: I have no questions.</p> <p>9 MS. DAVIS: I don't have any</p> <p>10 questions.</p> <p>11 MR. MARKOS: Nick, thank you so</p> <p>12 much for your time today. That is all the</p> <p>13 questions for you.</p> <p>14 COURT REPORTER: Does everyone want</p> <p>15 a copy of the transcript?</p> <p>16 MR. GERBER: Yes, I do Linda, it is</p> <p>17 Chris Gerber, and please make sure the exhibits</p> <p>18 are attached.</p> <p>19 MR. MARKOS: I will copy everybody</p> <p>20 on my email.</p> <p>21 MS. HULL: This is Kandice, yes, I</p> <p>22 do.</p> <p>23 MR. LAVERY: Linda, this is Frank</p> <p>24 Lavery, I would like an email copy of the</p>
<p style="text-align: right;">Page 112</p> <p>1 condensed, four to a page, and with the</p> <p>2 exhibits.</p> <p>3 MS. DAVIS: This is Jessica, I</p> <p>4 would like an email copy of a mini and I would</p> <p>5 like a paper copy of the full.</p> <p>6 ----</p> <p>7 (Witness excused.)</p> <p>8 (Deposition concluded at 1:25 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 113</p> <p style="text-align: center;">CERTIFICATION</p> <p>I, Linda A. Ricciardi, hereby</p> <p>certify that the foregoing is a true and</p> <p>accurate transcript of the deposition of</p> <p>NICHOLAS JOHNSON, who was first sworn by me at</p> <p>the time, place and on the date herein before</p> <p>set forth.</p> <p>I further certify that I am</p> <p>neither attorney nor counsel for, not related</p> <p>to or employed by any of the parties to the</p> <p>action in which this deposition was taken;</p> <p>further, that I am not a relative or employee</p> <p>of any attorney or counsel employed in this</p> <p>case, nor am I financially interested in this</p> <p>action.</p> <p style="text-align: right;">_____ Linda A. Ricciardi Court Reporter and Notary Public</p>

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ERRATA SHEET

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